



UNITED NEIGHBORHOODS OF THE HISTORIC ARLINGTON HEIGHTS, WEST ADAMS AND JEFFERSON PARK COMMUNITIES NEIGHBORHOOD COUNCIL

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UNNC Governing Board Meeting

Thursday, February 3, 2011
Council District 10 Field Office
1819 S. Western Ave.
Los Angeles, CA 90006

MINUTES

(approved March 3, 2011)

CALL TO ORDER

President Stevie Stern opened the meeting at 6:43 p.m. A quorum was present.

Members present: Ed Turner, Roy Amemiya, Steve Wallis, Betty Walton, Jose Rauda, Fletcher Kauffman, Chris Carlson, Evangela Anderson, Betty Phillips, John Arnold, Norman Gilmore, Laura Meyers, Stevie Stern, Wesley Todd, Ruth Jones-Sawyer, Billie Green, Jess Bravo, Jeff Camp, Gus Harris, Jr., Myrna Allen. (20 total).

Members absent: Joyce Smith, Andrea Dunlop, Allen Lulu. (3 total).

APPROVAL OF AGENDA

MOTION: Billie Green moved to approve the agenda as presented.

Wesley Todd seconded.

Vote: Approved unanimously.

PUBLIC COMMENT

Jess Bravo stated that AAA Flag found the banners we previously paid for and had in inventory. The Washington Blvd street landscaping UNNC project at the Mid-City School has gotten some care and weeding. The school's maintenance department has been in contact with Jess to address problems which is good. Jess and Andrea replaced some of the failing plants and it's looking much nicer.

Luis South stated that State Senate Bill 810 for a Single Payer healthcare system is in works and could head to Governor Brown's desk. He asked that supporters of Single Payer healthcare sign up for the mailing list.

Gus Harris, Jr. expressed concerns that the Jefferson Park sign would be taken off the clock at Crenshaw and Jefferson Blvd. People will look into it; no one is aware of pending development.

Myrna Allen stated that her appeal of the parking lot approval at 4th and Washington was sustained. This is regarding a business owner who tore down a duplex in order to create a parking lot for a business. The



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planning department decision to allow this zoning violation is now overturned by the Area Planning Commission. The lot may not be used for parking. This avoids setting a bad precedent for allowing a business to cross the alley to residential area to build a parking lot.

Evangela Anderson announced that the 17th there will be a city ceremony for the workers who built the new restrooms at Benny Potter park. A public ceremony will also be held.

Betty Walton appreciated the support from her colleagues regarding her mother's recent passing.

Donna Ann Ward from W 31st St announced the formation of the 30/31 Club, a new block club between St. Andrews and Cimarron.

John Arnold stated that there is a scheduled hearing for March 8th for the Jefferson Park HPOZ. This will be for taking testimony from the public on the proposed HPOZ.

COUNCIL DISTRICT 10 UPDATE

February 11th Councilman Wesson is recognizing certain city employees at the City Council meeting. Photos of honorees will be on the bridge walkway at City Hall.

EXECUTIVE COMMITTEE

- A. Recommendation for appointment of candidate for Region 6 Resident Representative vacancy – ACTION

Ed Turner previously served on the UNNC board, and the executive committee recommended his appointment.

MOTION: Evangela Anderson moved that we appoint Ed Turner to the Region 6, Seat 2 position vacated by his wife, Rachel Turner.

Seconded by Gus Harris, Jr.

Stevie Stern noted that the position was announced UNNC wide through our email systems and public posting areas, and Ed was the only candidate who presented an interest. Ed has done a great job in the past.

Vote: Approved unanimously.

- B. Installation of Region 6 board member and board members not formally installed last August. Stevie Stern swore in Christine Carlson and Ed Turner.

- C. Jess Bravo's Economic Development meeting is the 3rd Monday 7 pm at the Stop-In Center. Jess is presenting a request for up to \$1000 to promote the Spring Fling Cleanup event on Washington Blvd. The Spring Fling will be on weekends in May and June.

MOTION: Laura Meyers moved to approve up to \$1000 for design and printing promotional materials for the UNNC Spring Fling Cleanup Program, including, but not limited to, banners, posters, and cards.

Seconded by Roy Amemiya.

Vote: Approved unanimously.

- D. Donna Ann Ward announced that the newly formed 30/31 block club would like UNNC to support their launch event. They would like to have an annual event with a Mardi Gras theme. The inaugural event will be March 20th, 2011.



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MOTION: Laura Meyers moved to support the inaugural block party for up to \$500 for drinks, food, promotional materials (flyers and a re-usable banner), party favors (beads and crowns), game supplies, decorations, a ground tarp, and canopy for protecting entertainers and gear. Betty Walton seconded.

(Note: The above is the final motion after extensive discussion and acceptance of several friendly amendments.)

We are not paying for street closure or the \$60 for prizes.

The street closure for block clubs will be covered by the Council Office. West Adams Heritage Association has agreed to cover the event insurance on their policy.

The Council Office will provide trash bags.

Billie Green suggested a source for borrowing 20 round tables with umbrellas.

Vote: Approved unanimously.

COMMITTEE BUSINESS

- A. Zoning and Planning – Community Care Facility Ordinance - Meyers
Brief Background of a complex issue. The city has not enforced sub-division of rental houses. There was one example in our community of 31 units being rented in a house listed as 8 bedrooms by the County Assessor.

Community Care Facilities with a State license are regulated by the State, and there can be one no more than every 300 feet.

There are a variety of businesses that run housing that for various reasons have transient populations, such as alcoholism and drug abuse recovery, parolees, etc.

A new proposed ordinance defines a boarding house as a facility that has residents under more than one lease. A Single Family Housekeeping unit has a single lease. Unlicensed boarding houses in R-1 zones would have to be licensed or move. This is way too complicated to paraphrase, so see the attachments for all the details.

The UNNC Planning & Zoning Committee recommends that UNNC support the proposed ordinance with changes. The changes are noted in the attachments.

MOTION: Laura Meyers moved that UNNC endorse the proposed Community Care Facility ordinance with the changes recommended by the Planning & Zoning committee. Jeff Camp seconded.

After discussion, friendly amendments were made to clarify when and to whom the public notice should be directed. The final amendments are shown in the attachment.

Vote: 18 in favor, none opposed, 1 recusal.



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TREASURER'S REPORT

Wesley Todd presented the Treasurer's report, including the US Bank Statement dated 1-21-2011

MOTION: Billie Green moved to approve the US Bank statement.

Gus Harris, Jr. seconded.

Vote: Approved unanimously.

APPROVAL OF MINUTES

MOTION: Evangela Anderson moved to approve the January minutes with the correction that Betty Walton was present.

John Arnold seconded.

Vote: 15 in favor, none opposed, 4 abstentions.

PRESIDENT'S UPDATE

Thanks to Betty Walton for bringing dinner tonight.

Jeff Camp agreed to arrange for food at our March meeting.

ANNOUNCEMENTS

Billie Green announced that there will be black history month events in February, and tour buses may be coming through our neighborhoods this Saturday doing tours of houses formerly owned by notable African American artists.

Candidate Herb Wesson is having a Grand Opening for his campaign Saturday at 1-3 at Pico & Rimpau.

Chris Carlson stated that LAUSD has tabled for now the idea of synchronizing the school year with the rest of the country.

Chris also announced that Mid-City Magnet is converting to 1st through 5th, with two classrooms per grade. The total number of students will be about the same because the school is phasing out Kindergarten and 6-8. The hilly site is no longer considered suitable for Kindergartners. 60 students a year will then be guaranteed admission to 6th grade at the well regarded LACES school.

Roy Amemiya noted that the Community Police Advisory Board for Wilshire Division is meeting Thursday the 17th at 7:30, at the police station on Venice. A representative from CIM will be providing an update on Mid-City crossing.

Meeting adjourned at 8:52 p.m.

Respectfully submitted,

Norman Gilmore

UNNC Secretary

February 3, 2011

Attachments: CPC-2009-800_SupplementalReport

UNNC Motion on the Community Care Facility Ordinance



DEPARTMENT OF CITY PLANNING
RECOMMENDATION REPORT



CITY PLANNING COMMISSION

DATE: February 10, 2011
TIME: after 8:30 a.m.*
PLACE: Los Angeles City Hall
200 North Spring Street
Room 350
Los Angeles, CA 90012

CASE NO:

CEQA:
LOCATION:
COUNCIL DISTRICT:
PLAN AREAS:

CPC-2009-800-CA
ENV-2009-801-ND
Citywide
All
All

PUBLIC HEARING REQUIRED


MATTER CONTINUED FROM MEETINGS OF OCTOBER 14, 2010 and NOVEMBER 4, 2010


SUMMARY: A proposed ordinance (Appendix B) defining *Community Care Facility, Licensed; Residential Care Facility for the Elderly, Licensed; and Alcoholism or Drug Abuse Recovery or Treatment Facility, Licensed* bringing the LAMC into conformity with State law; regulating these facilities as public benefits; defining *Single Housekeeping Unit* and amending the definitions for *Boarding or Rooming House* and *Family*.


RECOMMENDED ACTIONS:

1. **Adopt** the initial and supplemental staff reports (dated October 14, 2010 and February 10, 2011) as its reports on the subject.
2. **Adopt** the findings in Attachment 1.
3. **Approve** the Negative Declaration as the CEQA clearance on the subject.
4. **Approve** the proposed ordinance in Appendix B and recommend its adoption by the City Council.

MICHAEL LOGRANDE
Director of Planning


LINN K. WYATT
Chief Zoning Administrator


ALAN BELL, AICP
Deputy Director


THOMAS ROTHMANN
City Planner, Code Studies
Telephone: (213) 978-1370

ADVICE TO PUBLIC: *The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communication may be mailed to the Commission Secretariat, 200 North Main Street, Room 532, Los Angeles, CA 90012 (Phone No. 213/978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent a week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to these programs, services, and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request no later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at 213/978-1300.

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**Appendix B – Proposed Ordinance
Attachment 1 – Findings**

SUMMARY

For over 40 years, state and federal governments have favored de-institutionalizing persons with disabilities and encouraged their placement in homes in residential neighborhoods. Such policies are implemented in California through the Community Care Facilities Act of 1973. The Act regulates facilities for persons with special needs who require personal services, supervision, or assistance essential for sustaining the activities of daily living. The proposed ordinance (Appendix B) brings the Los Angeles Municipal Code (LAMC) into conformance with this State law.

The proposed ordinance (Appendix B) recognizes the importance of balancing the goals of the Community Care Facilities Act while maintaining the quality of life in single-family neighborhoods. Although State law prevents cities from regulating licensed facilities serving six or fewer residents differently from other single-family residences, it does allow for some regulation for licensed facilities serving seven or more residents. As such, the proposed ordinance simply categorizes the smaller facilities as by-right uses in all zones that allow single-family residences and regulates the larger facilities as “public benefits” in those zones. Public benefits are permitted through a ministerial process and are subject to parking, density, noise, and other land use based performance standards.

The proposed ordinance also makes a clear distinction between family residences and boarding/rooming houses by defining a family as persons who choose to live together as a single housekeeping unit with residents under one lease and by defining a boarding/rooming house as providing lodging to individuals under two or more leases. As such, a dwelling unit may be regulated as a boarding/rooming house when the residents occupy the dwelling unit under more than one lease. This distinction protects the residential and stable character of single-family neighborhoods by making clear that businesses and transient types of occupancy are not allowed.

STAFF REPORT

BACKGROUND

On October 14, 2010 the Planning Department presented a proposed ordinance (Appendix A) to the City Planning Commission (CPC) to update the Los Angeles Municipal Code (LAMC) regarding various licensed community care facilities and other related items. One primary objective of that ordinance was to place definitions of various licensed community care facilities into the LAMC in order to bring it into conformance with State law. To distinguish boarding/rooming houses from families, the ordinance amended the definitions for *Boarding or Rooming House*, *Family*, and added the definition of *Single Housekeeping Unit*. In essence, a boarding house is a residential use where rooms are separately rented or leased to individuals and the individuals do not constitute a single household. Appendix A also added a new definition for *Correctional or Penal Institution* to include group homes for parolees, thereby categorizing them as conditional uses in all zones (as explained below, this definition has now been withdrawn).

Over 60 people testified on this item with approximately equal numbers in opposition and in favor, and the matter was continued to November 4, 2010 to allow for additional testimony. Following the hearings, the CPC directed staff to organize a committee comprised of Planning Department staff, a representative from the City Attorney's office, and City Planning Commissioners to address the concerns raised at both hearings regarding potential impacts of the proposed ordinance. The issues focused primarily on the following:

1. What is the rationale for a higher parking requirement for *Alcoholism or Drug Abuse Recovery or Treatment Facilities* versus the other licensed community care facilities?
2. Neighborhoods should be notified of public benefits.
3. The proposed definition changes regarding *Boarding or Rooming House* and *Family* may conflict with permanent supportive housing programs.
4. Will these revisions still allow business owners to place tenants in single-family homes in single-family neighborhoods on a fluid lease?

DISCUSSION

The proposed ordinance (Appendix B) has two main objectives: (1) to update the LAMC to be consistent with the goals of the Community Care Facilities Act; and (2) to create a clear distinction between family residences and boarding/rooming houses.

With regard to the Community Care Facilities Act, the proposed ordinance regulates State licensed community care facilities. Although the proposed ordinance does not change City zoning practice for such facilities with six or fewer residents, it codifies that they are permitted in any zone where single-family uses are allowed, as mandated by State law. However, the proposed ordinance does modify City practice for such facilities with seven or more residents by permitting them as "public benefits", permitted through a ministerial process subject to parking, density, noise, and other land use based performance standards.

With regard to distinguishing between dwelling units inhabited by families and those operated as boarding/rooming houses, the proposed ordinance modifies existing definitions of *family* and *boarding/rooming house* and adds the definition of *single housekeeping unit*. This objective is primarily met by defining a family as persons who choose to live together as a single housekeeping unit with residents under one lease and by defining a boarding/rooming house as providing lodging to individuals under two or more leases. These definitions provide effective tools for the City to enforce its zoning laws with regard to businesses and transient types of occupancy that are not allowed in single-family neighborhoods.

During the Planning Department's public outreach, community members identified problems associated with certain residential uses that are not operated as single housekeeping units but rather as de facto boarding/rooming houses. Some of these residential uses are sober living homes, which are group living arrangements for persons recovering from alcoholism or drug addiction but provide no care or supervision. As such, they are not licensed and regulated by the State. Since persons recovering from alcohol and drug addiction are considered to be disabled, they are protected from discrimination by the Americans with Disabilities Act and the Federal Fair Housing Act. Thus, any regulation that treats sober living homes less favorably than analogous uses is discriminatory and therefore unlawful.

Accordingly, to protect the character of low-density residential neighborhoods, address the community's concerns, and ensure a lawful ordinance, the Planning Department therefore recommends new provisions intended to strengthen the regulation of the broader category of boarding or rooming houses as distinguished from single housekeeping units without singling out sober living homes.

The CPC-initiated subcommittee reviewed the issues raised at the public hearings. The subcommittee met three times with planning staff and the City Attorney. In addition to these meetings, staff met with various mental health care providers, briefed PlanCheck NC, received information from the Los Angeles County Department of Mental Health and the Los Angeles County Probation Department, and reviewed the Mayor's Policy on homelessness titled "Home For Good." Based on the subcommittee and other meetings and other research staff has modified its original recommendations as discussed below.

In response to item #1, the separate parking requirement originally proposed in Appendix A for *Alcoholism or Drug Abuse Recovery or Treatment Facility, licensed*, for seven or more residents has been changed to be consistent with the parking requirements for other licensed community care facilities. Staff did not find any conclusive evidence that residents of these facilities use personal vehicles substantially more than residents of other licensed community care facilities.

In response to item #2, the Planning Department recognizes the importance of stakeholder notification and therefore public notification will now be required of all public benefits. This new requirement will inform adjacent property owners, the applicable neighborhood council, and the City Council district office of the new public benefit. Because public benefits are by-right as long as specified performance standards are met, they cannot be denied or appealed. However, notification of the new use will also inform neighborhood stakeholders of required performance standards and the process for revoking non-compliant public benefits.

In response to item #3, the placement of homeless persons in licensed community care facilities in any zone that permits single-family residences will be allowed, and opportunities for this housing type encouraged, under this proposed ordinance. Based on the information provided by the Mayor's office, the "Home for Good" program, establishing permanent supportive housing for the homeless, will primarily be operating

in multi-family residential and commercial zones. Consequently, there is insufficient justification for carving out any exceptions to the ordinance as proposed.

In response to item #4, the definition of *Single Housekeeping Unit* has been refined to add that the adult residents of this residential use have chosen to live together and determine the makeup of the household rather than the landlord or property manager.

In addition to the issues raised at the public hearing, the Planning Department has removed sections of the proposed ordinance that pertain to *Correctional and Penal Institutions* and *Group Homes for Parolees and Probationers*. Further research is necessary on this issue and a follow-up ordinance will comprehensively address it.

CONCLUSION

Synchronizing the LAMC with the California Community Care Facilities Act reinforces the City's commitment to maintaining the quality of life in single-family neighborhoods while supporting the de-institutionalizing of persons with special needs. The proposed ordinance addresses regulation and enforcement concerns by filling in the gaps that exist in the current vague definitions and regulations. The proposed ordinance achieves an equitable solution that maintains the City's priority of neighborhood character preservation through enforceable quantifiable standards while meeting the State's Community Care Facility Act requirements.

APPENDIX B

ORDINANCE NO. _____

A proposed ordinance amending Sections 12.03, 12.05, 12.07, 12.07.01, 12.08, 12.08.1, 12.08.3, 12.08.5, 12.09.1, 12.09.5, 12.10, 12.12, 12.12.2, 12.21, 12.22, 12.24, and 14.00 of the LAMC adding definitions of *Community Care Facility, licensed*; *Residential Care Facility for the Elderly, licensed*; and *Alcoholism or Drug Abuse Recovery or Treatment Facility, licensed* to the LAMC to bring it into conformance with the California Community Care Facilities Act. As mandated by State law, the ordinance permits these State licensed facilities with six or fewer residents in any zone that permits single-family homes. It also permits those with seven or more residents in any zone that permits single-family homes as public benefits, requiring performance standards. The proposed ordinance also amends the definitions of *Boarding or Rooming House* and *Family* to provide clear guidelines for the appropriate enforcement of boarding homes with transient characteristics and prohibits *Boarding or Rooming Houses* in one-family dwellings zoned RD.

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

Section 1. Section 12.03 of the Los Angeles Municipal Code is amended to add or amend the following terms alphabetically:

ALCOHOLISM OR DRUG ABUSE RECOVERY OR TREATMENT FACILITY, LICENSED. As defined in Section 11834.02 of the Health and Safety Code, any premises, place or building licensed by the State of California that provides 24-hour residential nonmedical services to adults who are recovering from problems related to alcohol, drug or alcohol and drug misuse or abuse, and who need alcohol and drug recovery treatment or detoxification services.

BOARDING OR ROOMING HOUSE – A dwelling containing a dwelling unit and not more than five guest rooms or suites of rooms, where lodging is provided with or without meals, for compensation. A one-family dwelling where lodging is provided to individuals with or without meals, for monetary or non-monetary consideration under two or more separate agreements or leases, either written or oral, or a dwelling with five or fewer guest rooms or suites of rooms, where lodging is provided to individuals with or without meals, for monetary or non-monetary consideration under two or more separate agreements or leases, either written or oral. Boarding or rooming house does not include an alcoholism or drug abuse recovery or treatment facility, licensed; community care facility, licensed; or residential care facility for the elderly, licensed.

COMMUNITY CARE FACILITY, LICENSED. As defined in Section 1502 of the Health and Safety Code, any facility, place or building licensed by the State of California that is maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including but not limited to, the physically handicapped, mentally impaired, incompetent persons, abused or neglected children.

FAMILY. One or more persons living together in a dwelling unit with common access to, and common use of all living, kitchen, and eating areas within the dwelling unit, as a single housekeeping unit.

RESIDENTIAL CARE FACILITY FOR THE ELDERLY, LICENSED. As defined in Section 1569.2 of the Health and Safety Code, a housing arrangement licensed by the State of California chosen voluntarily by persons 60 years of age or over, or their authorized representative, where varying levels of intensities of care and supervision, protective supervision, or personal care, or health-related services are provided, based upon their varying needs, as determined in order to be admitted and to remain in the facility. A Residential Care Facility for the Elderly, Licensed, may house residents under 60 years of age with compatible needs pursuant to Section 1569.316 of the Health and Safety Code and provide health-related services pursuant to Section 1569.70 of the Health and Safety Code.

SINGLE HOUSEKEEPING UNIT. One household where all the members have common access to and common use of all living, kitchen, and eating areas within the dwelling unit, and household activities and responsibilities such as meals, chores, expenses and maintenance of the premises are shared or carried out according to a household plan or other customary method. If a resident owner rents out a portion of the dwelling unit, those renters must be part of the household and under no more than one lease, either written or oral. If a non-resident owner rents out the dwelling unit, all residents 18 years and older have chosen to jointly occupy the entire premises of the dwelling unit, under a single written lease and the makeup of the household occupying the unit is determined by the residents of the unit rather than the landlord or property manager.

Sec. 2. New Paragraph 17 is added to Subsection A of Section 12.05 of the Los Angeles Municipal Code to read:

17. Alcoholism or drug abuse recovery or treatment facilities, licensed; community care facilities, licensed; and residential care facilities for the elderly, licensed; for six or fewer residents.

Sec. 3. New Paragraph 15 is added to Subsection A of Section 12.07 of the Los Angeles Municipal Code to read:

15. Alcoholism or drug abuse recovery or treatment facilities, licensed; community care facilities, licensed; and residential care facilities for the elderly, licensed; for six or fewer residents.

Sec. 4. New Paragraph 10 is added to Subsection A of Section 12.07.01 of the Los Angeles Municipal Code to read:

10. Alcoholism or drug abuse recovery or treatment facilities, licensed; community care facilities, licensed; and residential care facilities for the elderly, licensed; for six or fewer residents.

Sec. 5. New Paragraph 10 is added to Subsection A of Section 12.08 of the Los Angeles Municipal Code to read:

10. Alcoholism or drug abuse recovery or treatment facilities, licensed; community care facilities, licensed; and residential care facilities for the elderly, licensed; for six or fewer residents.

Sec. 6. New Paragraph 7 is added to Subsection B of Section 12.08.1 of the Los Angeles Municipal Code to read:

7. Alcoholism or drug abuse recovery or treatment facilities, licensed; community care facilities, licensed; and residential care facilities for the elderly, licensed; for six or fewer residents.

Sec. 7. New Paragraph 8 is added to Subsection B of Section 12.08.3 of the Los Angeles Municipal Code to read:

8. Alcoholism or drug abuse recovery or treatment facilities, licensed; community care facilities, licensed; and residential care facilities for the elderly, licensed; for six or fewer residents.

Sec. 8. New Paragraph 6 is added to Subsection B of Section 12.08.5 of the Los Angeles Municipal Code to read:

6. Alcoholism or drug abuse recovery or treatment facilities, licensed; community care facilities, licensed; and residential care facilities for the elderly, licensed; for six or fewer residents.

Sec. 9. New Paragraph 12 is added to Subsection A of Section 12.09.1 of the Los Angeles Municipal Code to read:

12. Alcoholism or drug abuse recovery or treatment facilities, licensed; community care facilities, licensed; and residential care facilities for the elderly, licensed; for six or fewer residents.

Sec. 10. New Paragraph 7 is added to Subsection B of Section 12.09.5 of the Los Angeles Municipal Code to read:

7. Alcoholism or drug abuse recovery or treatment facilities, licensed; community care facilities, licensed; and residential care facilities for the elderly, licensed; for six or fewer residents.

Sec. 11. New Paragraph 13 is added to Subsection A of Section 12.10 of the Los Angeles Municipal Code to read:

13. Alcoholism or drug abuse recovery or treatment facilities, licensed; community care facilities, licensed; and residential care facilities for the elderly, licensed; for six or fewer residents.

Sec. 12. New Paragraph 13 is added to Subsection A of Section 12.12 of the Los Angeles Municipal Code to read:

13. Alcoholism or drug abuse recovery or treatment facilities, licensed; community care facilities, licensed; and residential care facilities for the elderly, licensed; for six or fewer residents.

Sec. 13. New Paragraph 15 is added to Subsection A of Section 12.12.2 of the Los Angeles Municipal Code to read:

15. Alcoholism or drug abuse recovery or treatment facilities, licensed; community care facilities, licensed; and residential care facilities for the elderly, licensed; for six or fewer residents.

Sec. 14. New Sub-subparagraph (6) added to Subparagraph (d) of Paragraph 4 of Subsection A of Section 12.21 of the Los Angeles Municipal Code to read:

(6) Any alcoholism or drug abuse recovery or treatment facility, licensed; community care facility, licensed; or residential care facility for the elderly, licensed; shall meet the following requirements for automobile parking spaces:

(i) If the, licensed; community care facility, licensed; or residential care facility for the elderly, licensed; is for six or fewer residents, then the facility shall meet the requirements for automobile parking spaces set forth in Section 12.21 A 4 (a) of this Code; or

(ii) If the alcoholism or drug abuse recovery or treatment facility, licensed; community care facility, licensed, or residential care facility for the elderly, licensed, is for seven residents, then a minimum of two automobile parking spaces must be provided, with 0.2 automobile parking space provided for each additional resident over the number seven.

Sec 15. Subsection D of Section 12.21 of the Los Angeles Municipal Code is deleted:

~~D. Location Of Hospitals. No hospital, sanitarium or clinic for mental, or drug or liquor addict cases shall be established or maintained on any property within 600 feet of the property on which an elementary or high school is being maintained.~~

Sec. 16. A new Subdivision 30 is added to Subsection A of Section 12.22 of the Los Angeles Municipal Code to read:

30. Boarding or Rooming Houses in the RD Zone. Notwithstanding the provisions of Section 12.09.1 of this Code, any one-family dwelling located on a lot zoned RD shall not be used as a boarding or rooming house.

Sec. 17. Paragraph 9 of Subsection X of Section 12.24 of the Los Angeles Municipal Code is deleted:

~~9. Foster Care Homes. Notwithstanding any other provision of this chapter, any person may, with the express written permission of a Zoning Administrator and subject to the following limitations, use a dwelling unit for the operation of:~~

~~(a) A foster care home occupied by a total of five or six children in the A, R, CR, C1 or C1.5 Zones; provided that the total number of persons (including servants) living in any dwelling unit used as a foster care home shall not exceed eight; or~~

~~(b) Limitations.~~

~~(1) The floor space of any dwelling unit used as a foster care home shall not be increased for that use and the floor space shall not be arranged so that it would reasonably preclude the use of the buildings for purposes otherwise permitted in the zone in which the property is located.~~

~~(2) No permission for the operation of a foster care home shall become valid unless it is licensed for foster care use by the State of California, or other agency designated by the State, and the operation shall not be valid for more than one year.~~

~~(c) Procedures. An application for permission pursuant to this subdivision shall follow the procedures for adjustments set forth in Section 12.28C1, 2 and 3.~~

Sec 18. Subsection A of Section 14.00 of the Los Angeles Municipal Code is amended to read:

A. Public Benefit Projects and Performance Standards. Where not permitted by right or by Conditional Use Permit pursuant to Subsections U, V or W of Section 12.24, the following public benefit uses are permitted in any zone, unless restricted to certain zones or locations. The uses shall meet the following performance standards or alternative compliance measures approved pursuant to Subsection B.

Upon the Director's determination that the public benefit use meets the stated performance standards, the Director shall record a covenant of the determination with the Office of the County Recorder. The covenant shall be valid as long as the property is used as a public benefit. The covenant must be removed when the land is no longer used as a public benefit. Upon recordation with the Department of City Planning of a covenant affirming the performance standards of a public benefit, notification of the public benefit shall be sent to adjoining and abutting property owners, the applicable certified neighborhood council, and the applicable City Council office. Public notification shall identify the applicable performance standards and a statement that if the

public benefit does not adhere to the performance standards, the Director of Planning can revise the performance standards or discontinue the use.

If the use fails to operate in accord with the stated performance standards the Director may modify the conditions of operation or discontinue the use.

Sec. 19. A new Paragraph 10 is added to Subsection A of Section 14.00 of the Los Angeles Municipal Code to read:

10. Alcoholism or drug abuse recovery or treatment facilities, licensed, community care facilities, licensed, and residential care facilities for the elderly, licensed, for seven or more residents in the A, R, and C zones.

(a) Performance standards:

(1) The facility meets the applicable automobile parking space requirements set forth in Section 12.21A 4 (d)(6);

(2) The facility avoids interference with traffic by providing access through driveways and/or loading docks for deliveries and pickups;

(3) The facility conforms to the City's noise regulations pursuant to Chapter 11 of this Code; any household noise or music shall be sufficiently modulated to ensure that adjacent residents are not disturbed;

(4) In the A and R zones, the existing residential character of the building and site are maintained, including the exterior façade, landscaping, fences, walls, lawn areas, and driveways;

(5) Security night lighting is shielded so that the light source cannot be seen from adjacent residential properties;

(6) The facility does not create an unreasonable level of disruption or interference with the peaceful enjoyment of adjoining and neighborhood properties;

(7) Total occupancy in the facility does not exceed two residents for every bedroom or guest room as shown on the building plans approved by the Department of Building and Safety.

(b) **Purposes:** Alcoholism or drug abuse recovery or treatment facilities, community care facilities, and residential care facilities for the elderly for seven or more residents in the A, R and C zones shall be compatible with the character of the neighborhood and not adversely impact the health, safety and welfare of the persons residing in the facility or the neighborhood. Parking, traffic and transportation impacts shall be insignificant. The operation must comply with State law and must have a State license. The number of residents allowed per facility is limited in order to keep density within acceptable limits.

Sec 20. The City Clerk shall certify ...

ATTACHMENT 1

LAND USE FINDINGS

The City Planning Department recommends that the City Planning Commission, in accordance with Charter Sections 556 and 558, find:

1. In accordance with Charter Section 556, the proposed ordinance (Appendix B) is in substantial conformance with the purposes, intent and provisions of the General Plan in that it supports several of the Goals and Objectives outlined in the Housing Element of the General Plan including:

Goal 1 of the City's Housing Element to create "a City where housing production and preservation result in an adequate supply of ownership and rental housing that is safe, healthy, sanitary, and affordable to people of all income levels, races, ages, and suitable for their various needs" which through implementation of Objective 1.1 which prompts the Department to "plan the capacity and develop incentives for the production of an adequate supply of rental and ownership housing for households of all income levels and needs."

Goal 3 of the City's Housing Element to create a City where there are "housing opportunities for all without discrimination" by specifically addressing Housing Objective 3.1 to "assure that housing opportunities are accessible to all residents without discrimination on the basis of race, ancestry, sex, national origin, color, religion, sexual orientation, marital status, familial status, age, disability (including HIV/AIDS), and student status" by identifying appropriate zones to locate alcohol/drug recovery or treatment facilities and community care facilities serving the disabled and other persons with special needs; and Housing Objective 3.2 to "promote fair housing practices and accessibility among residents, community stakeholders and those involved in the production, preservation, and operation of housing" by identifying appropriate zones to locate alcohol/drug recovery or treatment facilities and community care facilities serving the disabled and other persons with special needs;

Goal 4 of the City's Housing Element to create a "city committed to ending and preventing homelessness" specifically addressing Housing Objective 4.1 to "provide an adequate supply of short-term and permanent housing and services throughout the City that are appropriate and meet the special needs of persons who are homeless or who are at high risk of homelessness" by identifying appropriate zones to locate alcohol/drug recovery or treatment facilities and community care facilities for persons who are in danger of becoming homeless through implementation of Policy 4.1.6, which recommends "eliminating zoning and other regulatory barriers to the placement and operation of housing facilities for the homeless and special needs populations in appropriate locations throughout the City" by permitting community care facilities in single-family zones; and

2. In accordance with Charter Section 558 (b)(2), the proposed ordinance (Appendix B) will be in conformity with the public necessity, convenience, general welfare, and good zoning practice in that it supports several goals of the Framework Element of the General Plan.

Goal 3B of the Framework Element of the General Plan seeks to preserve the City's stable single-family neighborhoods. Appendix B addresses Framework Element Objective 3.5 "to ensure that the character and scale of stable single-family residential neighborhoods is maintained allowing for infill development provided that it is compatible with and maintains the scale and character of existing development" by providing effective tools for the City to enforce its zoning laws with regard to businesses and transient types of occupancy that are not allowed in single-family neighborhoods.

Goal 3A of the Framework Element of the General Plan, to create "a physically balanced distribution of land uses that contributes towards and facilitates the City's long-term fiscal and economic viability, revitalization of economically depressed areas, conservation of existing residential neighborhoods, equitable distribution of public resources, conservation of natural resources, provision of adequate infrastructure and public services, reduction of traffic congestion and improvement of air quality, enhancement of recreation and open space opportunities, assurance of environmental justice and a healthful living environment, and achievement of the vision for a more livable city." Appendix B addresses Framework Element Objective 3.1 "Accommodate a variety of uses that support the needs of the City's existing and future residents, businesses, and visitors" through implementation of Policy 3.1.9 to "Assure that fair treatment of people of all races, cultures, incomes and education levels with respect to the development, implementation and enforcement of environmental laws, regulations, and policies, including affirmative efforts to inform and involve environmental groups, especially environmental justice groups, in early planning stages through notification and two-way communication."

Goal 4A of the Framework Element to create "an equitable distribution of housing opportunities by type and cost accessible to all residents of the City" and specifically addressing Framework Objective 4.4 to "reduce regulatory and procedural barriers to increase housing production and capacity in appropriate locations" by identifying appropriate zones to locate alcohol/drug recovery or treatment facilities and community care facilities serving persons with special needs.

ENVIRONMENTAL FINDING

A Negative Declaration, ENV-2009-801-ND, was published on this matter on March 19, 2009, and it was determined that this project will not have a significant effect on the environment. An addendum to the Negative Declaration was issued on November 19, 2009 to address all changes to the proposed ordinance from its original CEQA publication.

Proposed Community Care Facility Ordinance

City Summary: A proposed ordinance (Appendix B) defining *Community Care Facility, Licensed; Residential Care Facility for the Elderly, Licensed; and Alcoholism or Drug Abuse Recovery or Treatment Facility, Licensed* bringing the LAMC into conformity with State law; regulating these facilities as public benefits; defining *Single Housekeeping Unit* and amending the definitions for *Boarding or Rooming House* and *Family*.

On February 3rd, 2011 the United Neighborhoods Neighborhood Council Governing Board voted to SUPPORT the adoption of ordinance with the Planning Case No. CPC-2009-800-CA and CEQA identification of ENV-2009-801-ND, with the following conditions:

>The number of bedrooms should be defined as per the Los Angeles County Assessor (we do NOT support the utilization of living rooms, dining rooms etc. as bedrooms.)

> Garage conversions shall not be permitted to be utilized as habitable space

> There shall be a distance criteria to avoid impacts on schools, churches and other sensitive uses. Our recommendation is a Conditional Use Permit (CUP) within 1,000 feet of sensitive uses.

> Compatibility with existing adjacent uses shall be considered.

> We support adding a requirement related to smoking in public and second-hand smoke, whereby such smoking shall not be permitted if it affects/can be detected by neighboring uses. (Second-hand smoke is a health hazard.)

> There should be a sunset on existing, non-conforming, non-permitted uses of TWO years after the effective date of this ordinance.

> There should be a process for community-initiated, neighborhood council-initiated, City Council-initiated and/or Planning Dept initiated nuisance abatement and revocation process.

> In advance of the initial grant of any entitlement for a Community Care Facility, properties within 300 feet shall be noticed, as well as the applicable City Council office and Neighborhood Council, in order to

solicit comments prior to the Director's determination of public benefit.

> We specifically support the section of the proposed legislation that requires such uses, if not a licensed facility, to then have a single lease covering all occupants

> Importantly, there shall also be a distance criteria, as the current proposal states, of 300 feet between Community Care Facilities, to prevent over-saturation of such facilities in one neighborhood.