

DEPARTMENT OF  
CITY PLANNING

200 N. SPRING STREET, ROOM 525  
LOS ANGELES, CA 90012-4801  
AND  
6262 VAN NUYS BLVD., SUITE 351  
VAN NUYS, CA 91401

CITY PLANNING COMMISSION

WILLIAM ROSCHEN  
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MATT EPSTEIN  
BARBARA ROMERO  
MICHAEL K. WOO  
Vacant  
Vacant

JAMES K. WILLIAMS  
COMMISSION EXECUTIVE ASSISTANT I  
(213) 978-1300

CITY OF LOS ANGELES  
CALIFORNIA



ANTONIO R. VILLARAIGOSA  
MAYOR

EXECUTIVE OFFICES

MICHAEL J. LOGRANDE  
DIRECTOR  
(213) 978-1271

ALAN BELL, AICP  
DEPUTY DIRECTOR  
213-978-1271

EVA YUAN-MCDANIEL  
DEPUTY DIRECTOR  
(213) 978-1273

FAX: (213) 978-1275

INFORMATION  
(213) 978-1270  
[www.planning.lacity.org](http://www.planning.lacity.org)

DATE :

MAR 24 2011

Planning and Land Use Management Committee  
Council of the City of Los Angeles  
City Hall, Room 395  
Los Angeles, CA 90012

ATTN: Michael Espinosa, Legislative Assistant

**CITY PLAN CASE NO. 2009-800-CA**

Transmitted herewith is 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.

On February 10, 2011, following a public hearing, the City Planning Commission failed to take an action on the proposed ordinance, (attached).

This failure to act occurred by the following vote:

Moved: Burton  
Seconded: Roschen  
Ayes: Cardoso, Woo  
Noes: Freer  
Absent: Epstein, Romero  
Vacant: Two

Vote: 4-1

  
\_\_\_\_\_  
James Williams, Commission Executive Assistant I  
City Planning Commission

Attachments: Proposed Ordinance, Findings

cc: Amy Brothers, Adrienne Khorasanee, Deputy City Attorney, Land Use Division  
City Planner: Thomas Rothmann

## 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 facility 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 facility 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 ...

Sec. \_\_\_\_\_. 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.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of \_\_\_\_\_.

\_\_\_\_\_  
JUNE LAGMAY, City Clerk

By \_\_\_\_\_ Deputy

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

Pursuant to Section 558 of the City Charter,  
the City Planning Commission on February 10, 2011,  
recommended this ordinance be adopted by the City Council.

\_\_\_\_\_  
James Williams, Commission Executive Assistant I  
City Planning Commission

File No. \_\_\_\_\_

## 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.