

March 16, 2011

Planning and Land Use Management Committee  
Board of Public Works Edward R. Roybal Hearing Room 350  
Los Angeles City Hall  
200 North Spring Street  
Los Angeles, CA 90012

RE: Proposed Community Care Facilities Ordinance  
Council File No. CPC-2009-800-CA

Dear Planning and Land Use Management Committee,

I am writing to express my support, with certain reservations, for the City's proposed Ordinance regulating Community Care Facilities and Boarding Houses. I appreciate the proposed Ordinance addressing the citywide issues by regulating businesses which operate for profit boarding houses, such as student housing, sober living facilities, parolee homes and licensed community care facilities. This ordinance is an important step in providing communities the tools to protect the quality of life for everyone in our residential neighborhoods while providing for the rights of those needing varied housing opportunities.

- Require Public Hearings for all Public Benefits
- Amend the Definition of "Single Housekeeping Unit" to Apply to All Rented Dwelling Units
- Address Issues of over-concentration
- Apply Ordinance to all residential areas.
- Student Housing must not be exempted from this Ordinance
- Provide a specific mechanism for enforcement of the regulations including public review.

As proposed the provisions of the Ordinance supplement and build upon existing laws and authority. As such, the proposed Ordinance incorporates the California statutory requirement that municipalities regulate licensed Community Care Facilities serving 6 or fewer residents no differently than they would any other single family dwelling. The proposed Ordinance provides seven performance standards for Community Care Facilities and boarding houses serving 7 or more to meet to qualify as a Public Benefit and to locate in low density neighborhoods: (1) sufficient parking, (2) access to the facility without interfering with traffic, (3) noise levels must be sufficiently modulated to ensure adjacent residents are not disturbed, (4) the existing residential character of the building shall be maintained, (5) security lighting shall not be seen from adjacent residential properties, (6) prohibits an unreasonable disruption of the peaceful enjoyment of adjoining neighborhood properties, and (7) total occupancy must not exceed two residents for every bedroom.

**Public Hearings for Public Benefits Performance Standards** – The Proposed Ordinance categorizes those CCF's serving seven or more residents as "Public Benefits" if they meet the Performance Standards. As currently written, no public hearing is required to determine whether the findings can be substantiated to support the facility as a Public Benefit. The Ordinance must include not only the provision for a public hearing to include neighborhood comment in developing the findings of public benefit, but also the provision for public noticed review to assure that the conditions continue to be met. The community benefits findings should be used to define the conditions appropriate to the specific neighborhood and to provide for public review to insure that compliance continues.

The proposed Ordinance provides and clarifies definitions of "Family," "Boarding House," and "Single Housekeeping Unit" to better enforce existing zoning laws.

- **Family:** The City's Proposed Ordinance defines "Family" as "One or more persons living together in a dwelling unit as a single housekeeping unit." This definition is clear, concise and satisfies the condition of *City of Santa Barbara v. Adamson*, the California Supreme Court that held that a city may not prohibit persons from living together on the basis that they are unrelated and therefore cannot define "Family" for purposes of its zoning code as limited to only people who are related.
- **Boarding House:** "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."
- **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 unit 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."

This definition should be amended to require that the decision to be a single housekeeping unit is made by the residents, not the property owner or manager who rents out part of the dwelling unit in order to prevent circumventing the Ordinance. The definition of "Single Housekeeping Unit" must be amended to apply to all rented units, whether the owner is a resident of the unit or not.

I support the following recommend modification: "If the dwelling unit is rented, all residents 18 years or 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."

And I support the recommendation that the following sentence be added to the end of the existing definition: "When an entity other than an individual owns a dwelling unit and rents the dwelling unit, the owner or owners shall be considered non-resident owners for purposes of this definition."

**Address issues of over-Concentration.** The Proposed Ordinance must limit the proximity of Boarding Homes and Licensed Community Care Facilities to within 300 feet of similar uses in order to protect the character of established residential neighborhoods. The over-concentration of these facilities changes the nature of the neighborhood and will ultimately defeat the purpose of integrating the facilities within a stable established community. A proximity limit on these facilities to other similar uses will accomplish the goal for transitioning the residents into society without relegating the residents to a dumping ground or destroying the fabric of a neighborhood to becoming totally transformed by an over concentration of these houses.

The tools provided by this proposed Ordinance must apply to all residential areas rather than limited to single family (including specifically other low density residential zones such as duplex, PUDs and RD areas). Student housing must not be exempted; poorly managed rooming houses and/or student group homes present as many problems as any other similar facility. Further,

students, particularly under age residents, are just as vulnerable to exploitation as any of the protected classes

While many facilities are well managed and successfully self-regulate, the need for this Ordinance has been documented through the multiple hearings and public comment submitted with evidence of the problems associated with boarding houses and even well managed community care facilities. These problems include, but are not limited to the following:

- Late night noise disturbances requiring police or private security intervention
- Public urination and indecent exposure including sexual activity
- Public drunkenness and drug use
- Lack of compliance to community standards such as trash can collection and storage resulting in attraction of scavengers and trash scattering
- Increased pest and feral animal infestation
- Increased automobile traffic and street parking

In conclusion, the City's Proposed Ordinance is a smart, well balanced approach in that it takes into account both the needs for a variety of housing situations and maintains the character of our residential neighborhoods. The Ordinance permits, as it must pursuant to state law, Community Care Facilities serving six and under to locate in low density neighborhoods. Further, the Ordinance permits Community Care Facilities serving seven or more, which meet identified performance standards, to locate in residential neighborhoods, as a matter of right. Finally, the Ordinance permits boarding houses, including sober living houses, in R3 and higher density zones. The limits the Ordinance places on boarding houses are practical, well thought out and serve a legitimate purpose.

Sincerely yours,

Maggi Fajnor

2631 Orchard Avenue  
Los Angeles, CA 90007  
maggi4F@gmail.com

Copy to:

Councilmember Ed Reyes, Chair, PLUM  
Councilmember Paul Krekorian, PLUM  
Councilmember Jose Huizar, PLUM  
Councilmember Bernard Parks, Eighth Council District  
Michael Espinosa, Legislative Assistant, PLUM