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March 27, 2011

Councilmember Ed P. Reyes, Chair
Planning and Land Use Management Committee
Los Angeles City Hall
200 N. Spring Street, Room 410
Los Angeles, California 90012

Dear Ed P. Reyes:

The Los Angeles Dept of City Planning prepared a Supplemental Report (to the proposed Community Care Facility Ordinance) released January 28, 2011. The Old Granada Hills Residents' Group wishes to challenge the following recommendation within this Report:

Removal of sections of the proposed ordinance that pertain to Correctional and Penal Institutions and Group Homes for Parolees and Probationers.

The State of California recently passed a law allowing early release from prison to reduce the prison population. This desperate move may jeopardize public safety and security. There are plans to release tens of thousands of prisoners. Many of them have nowhere to go and will undoubtedly seek housing in already overburdened group or halfway houses. In recent years, communities across the City have witnessed an exponential growth of group/sober living houses. Many of these facilities are currently housing large numbers of parolees and probationers. This is a volatile situation that is dangerous for those living in these houses as well as for the surrounding community. Other cities (Riverside, San Bernardino, Orange, Colton, Fontana, Loma Linda, Murrieta) are either considering new ordinances or have enacted ordinances regulating parolee/probationer houses. The City of Los Angeles must do the same. It is unacceptable to bring hardened criminals to our doorsteps. Therefore, we strongly urge you to resubmit sections of the proposed ordinance that pertain to Correctional and Penal Institutions and Group Home for Parolees and Probationers, that include the following suggested definitions and modifications:

Parolee – An individual who has been convicted of a crime and has been released prior to the expiration of that person's term of imprisonment, subject to both the supervision of correctional authorities during the remainder of the term and a resumption of the imprisonment upon violation of the conditions imposed.


Probationer – An individual who has been convicted of a crime and who has been released from prison provided he/she maintains good behavior. He/she may have some freedom to reenter society subject to the supervision and discretion of correctional authorities.

Correctional or Penal Institutions Are Prohibited From Utilizing a Conditional Use Permit In Order to Locate In Residential Zones: Prohibit Correctional or Penal Institutions in residential districts zoned one-family dwelling (that include A1, RA, RS, RE9,11,15,20,40, R1, RD 1.5, 2,3,4,5,6). Probationers shall be limited to no more than 1 in Community Care Facilities serving 7 or more residents. Parolees shall be housed in Correctional or Penal institutions that are under the auspices of California State Department of Corrections and Rehabilitation. These facilities shall maintain 24 hour/day on site supervision, by safety or correctional officials.

It is wholly inconsistent with the nature of residential zones to allow prisons, jails, halfway houses and group parolee homes to operate within them under a conditional use permit or otherwise.

Thank You for Your Consideration,


Dave Beauvais, President
Old Granada Hills Residents' Group


Maria Fisk, Chair
OGHRG Zoning and Density Committee

CC: Greig Smith, Councilmember; Jose Huizar, Councilmember; Paul Krekorian, Councilmember

Date: 3-29-11
Submitted in PLUM Committee
Council File No: 11-0262
Item No.: 4
Deputy: PUBLIC
Case No: CPC-2009-800-CA
CEQA: ENV-2009-801-ND
CF# 07-3427 (October 14, 2010)
CF# 11-0262 (February 16, 2011)

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public nature that it would behoove the City to require a public hearing in order to include neighborhood comment before deciding the issue.

Performance Standards Must Include a Prohibition Against Second Hand Smoke -
We recommend that the Proposed Ordinance be amended to adopt a prohibition against second hand smoke as a Performance Standard for all Public Benefits.

Unlicensed Community Care Facilities - Part 1 of the proposed Ordinance be amended to clearly state that there will be no (a) unlicensed facilities serving six or fewer residents and (b) unlicensed community care facilities serving seven or more residents eligible for the "public benefits" test. This modification will bring the proposed ordinance into conformance with state law that requires any and all residential facilities to have a valid license to operate. Further, it is only through the State of California's Department of Social Services licensing procedures that (among other things) the number of operators, quality of operators, approved fire clearances, local building use permits, on-site inspections and reviews, and health safety standards can be assured.

The Proposed Ordinance Must Limit the Proximity of Boarding Homes and Licensed Community Care Facilities Serving 7 or More to Other Similar and Sensitive Uses. The Staff Report Must Include Findings that Group Homes Create Additional Concerns and Secondary Impacts - The Report be amended to include other concerns that would be brought to light at a public hearing, such as conversion of garages to other uses, increased trash leading to vermin, frequent calls for police assistance resulting in several arrests, public urination and indecent exposure, public drunkenness and drug use.

Correctional or Penal Institutions be Prohibited From Utilizing a Conditional Use Permit In Order to Locate In Residential Zones - the proposed Ordinance should be amended to prohibit Correctional or Penal Institutions in RI, RD1.5, R2 and RD zoned areas. It is wholly inconsistent with the nature of low zoned residential neighborhoods to allow prisons, jails, halfway houses and group parolee homes to operate within them under a conditional use permit.

No Grand-Fathering of Existing Facilities - It must be made clear that any existing (a) unlicensed or (b) illegally licensed community care facilities would have to comply with the new ordinance to be allowed. This clarification is required to ensure that all facilities are brought into compliance with the existing zoning code provisions that **protect the character of established residential neighborhoods.**"

Please consider including the above points in the proposed ordinance.

Sincerely,

Louis Krokover

Louis Krokover, President: Encino Neighborhood Council

Diane Rosen,

Chair: Planning & Land Use Committee / Encino Neighborhood Council

CC: Councilmember, Greig Smith
Councilmember, Paul Koretz
Councilmember, Bill Rosendahl
Michael LoGrande, Director: City Planning Department
Alan Bell, Deputy Director: City Planning Department
Thomas Rothmann, ZA/ Code Studies: City Planning Department
Michael Espenssa, Legislative Assistant

Date: 3-21-11
Submitted in PLUM Committee
Council File No: 11-0262
Item No.: 4
Deputy: PUPMC

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Motion to Amend the Proposed Community Care Facility Ordinance

Whereas, the City of Los Angeles has determined that it is necessary to modify the Los Angeles Municipal Code's ("LAMC") existing definitions of *family* and *boarding/rooming houses*, and adding the definition of *single housekeeping unit*, as a way to provide effective tools for the City to enforce its zoning laws with respect to transient types of group homes operating in single family neighborhoods.

Whereas, the City of Los Angeles has proposed amending Sections 12.03, 12.05, 12.07, 12.07.01, 12.07.1, 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 to add definitions of *Community Care Facility*, *Residential Care Facility for the Elderly*, and *Alcoholism or Drug Abuse Recovery or Treatment Facility* 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 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. Lastly, it adds a definition for *Correctional or Penal Institution* to ensure that group homes for parolees are classified as conditional uses.

Whereas, the community of Old Granada Hills recognizes that overcrowded living conditions are inhumane. These types of substandard living conditions promote crime, assaults, abuse, rape, and exacerbate disabilities whether they are physical, psychological or addictive in nature.

Whereas, the community of Old Granada Hills has been subjected to the negative impacts (associated crime and strain on city services, infrastructure, environment) of illegal boarding/rooming houses in residential districts zoned one-family dwelling.

Whereas, the community of Old Granada Hills wishes to preserve the safety, health, welfare and character of residential districts zoned one-family dwelling (that include A1, RA, RS, RE9,11,15,20,40, R1, RD 1.5, 2,3,4,5,6).

Therefore, be it resolved that the Old Granada Hills Resident's Group requests the Community Care Facilities Ordinance be amended to include the following provisions:

1. All Community Care Facilities Must be Licensed. The proposed Ordinance must clearly state that there shall be:
 - (a) No unlicensed facilities serving 6 or fewer residents.
 - (b) No unlicensed Community Care Facilities serving 7 or more residents.Any group home, group living arrangement or residential facility that houses and/or provides care or supervision for the elderly, children, homeless, physically handicapped, disabled, shall be licensed by the State of California's Department of Social Services or California Department of Alcohol, or other State agency given the explicit authority to do so. *Under the auspices of aforementioned regulatory agencies the number of operators, quality of operators, approved fire clearances, local building use permits, on-site inspections and reviews, and health safety standards can be more effectively monitored and assured.*
2. Licensed Community Care Facilities Serving 7 or more residents shall require a Conditional Use Permit and Public Hearing in the one family dwellings (designated A, R) and C zones. *As written, the proposed Ordinance utilizes a "ministerial process" that does not require a public hearing or letter of determination. The fundamental principles of fairness and due process require that the City provide impacted communities the opportunity to be heard when a licensed Community Care Facilities serving 7 or more Residents is seeking to locate in the immediate area. No effective cap on occupancy has*

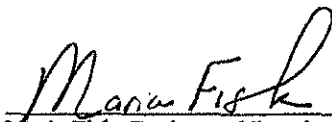
been established. Allowances that offer housing for an unlimited number of individuals (even if facilities are licensed) do not meet "Public Benefits" standards. Overcrowding puts individuals living under such conditions at an increased risk of abuse, violence, assault and rape. Not only is this a disservice to residents living under such conditions, but negatively impacts the surrounding community as well.

3. Concentration: Licensed Community Care Facilities serving 7 or more residents shall be located more than 1,000 feet from each other and 2,000 feet from schools, places of worship, and youth centers. *Over-concentration creates problems with parking, noise and incompatibility with the character and quality of residential neighborhoods.*
4. Add a Clear Definition of Parolee and Probationer
5. Correctional or Penal Institutions Are Prohibited From Utilizing a Conditional Use Permit In Order to Locate In Residential Zones: Prohibit Correctional or Penal Institutions in residential districts zoned one-family dwelling (that include A1, RA, RS, RE9,11,15,20,40, R1, RD 1.5, 2,3,4,5,6). Probationers shall be limited to no more than 1 in Community Care Facilities serving 7 or more residents. Parolees shall be housed in Correctional or Penal institutions that are under the auspices of California State Department of Corrections and Rehabilitation. *It is wholly inconsistent with the nature of low zoned residential neighborhoods to allow prisons, jails, halfway houses and group parolee homes to operate within them under a conditional use permit or otherwise.*
6. No Grand-Fathering of Existing Facilities: It must be clearly stated that any existing unlicensed or illegally licensed community care facilities, illegally operating boarding/rooming houses/group homes/parolee homes shall be immediately abated upon enactment of this ordinance. Fine for violations shall be established at \$1,000/day/each resident or tenant.
7. Lease Agreement: A lease must be effectively defined and clarified in order to prevent more than one tenant to sign under an agreement such as a Master Lease or non-concurrent lease times.
8. Occupancy: Living, Family, Dining Rooms, Kitchens, Bathrooms, Hallways, Garages, Utility Rooms, Stairwells are not considered Sleeping Rooms. Bedrooms and Guest Rooms shall be considered Sleeping Rooms and limited to 2 Residents for every Bedroom or Guest Room. *Therefore Sleeping Rooms determine and set limits for occupancy.*
9. For Purposes of Clarification: Include a Land Use Regulations chart or table that clearly specifies permitted and non permitted uses.



Dave Beauvais, President
Old Granada Hills Residents' Group

Date: 10/9/10



Maria Fisk, Zoning and Density Committee
Old Granada Hills Residents' Group

Date: 10/9/10

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Date: 3-29-11
Submitted in PLUM Committee
Council File No: 11-0262
Item No.: 4
Deputy: PUBLIC

March 24, 2011

Councilmember Ed P. Reyes, Chair
Planning and Land Use Management Committee
Los Angeles City Hall
200 N Spring Street, Room 410
Los Angeles CA 90012

Re: Case No. CPC-2009-800-CA
CEQA: ENV-2009-801-ND
CF: 07-3427

Dear Ed P. Reyes:

Alcohol abuse and drug addiction have been labeled diseases by the American Medical Association and by many other prominent healthcare organizations (1, 2, 3). Unlike other diseases, addiction is more complex, it is a condition caused by persistent changes in brain structure resulting in a form of a compulsive disorder. Substance abuse is not only associated with crime, social and economic burdens but other debilitating health conditions (liver/heart/kidney diseases, mental illness, infections, hepatitis, TB, sexually transmitted diseases, etc). The objectives of addiction treatment are to help the individual stop using drugs, maintain a drug-free lifestyle, achieve productive functioning in the family, at work, and in society. Additionally, the diseases associated with substance abuse must somehow be addressed and dealt with.

There are diverse approaches and options to managing substance abuse, including: outpatient treatment (AA, private physicians & therapists); inpatient treatment (hospitals, clinics and licensed residential detox/treatment facilities); and unlicensed transitional sober living homes. Some of the aforementioned treatment and support measures are generally recognized as safe and effective, but others may not be. As a health care professional, I am specifically concerned about a rapidly growing unregulated industry that is attempting to offer support to persons recovering from substance abuse in residential settings. There is no effective mechanism in place for tracking, identifying or monitoring all unlicensed facilities. Coalitions and networks claim to do so, but apparently lack the proper tools required to effectively manage facilities under their jurisdiction. Knowing this raises serious questions that must be answered and resolved:

- How is overall safety and effectiveness being assured and monitored - are coalitions and networks qualified to self-regulate
- How do patients determine which facilities are legitimate and have some degree of oversight
- Are house managers screened for prior experience, applicable degrees, criminal background
- Are patients screened for criminal backgrounds, disabilities, health issues and communicable diseases
- How are diseases that co-occur with substance abuse dealt with
- What are the precautions taken to prevent the spread of communicable diseases
- Are residents truly disabled - if they continue to abuse then they are no longer considered disabled (4)
- Is drug testing administered on a routine basis - how are positive results handled
- What actions are taken if patients refuse to take prescribed medications, refuse to seek outside supportive treatment (AA), or continue to abuse substances
- Is treatment being offered - unlicensed facilities are not allowed to do so (5)
- Are standards of support and best practices instituted uniformly
- Are house rules fair and humane
- How are rape, assaults, abuse, theft and other crimes dealt with
- Are residences modified to accommodate those with physical disabilities
- Are facilities inspected for fire safety, building code compliance, sanitation, vermin infestation - are they in compliance
- Are LADBS, Safety Officers and other governmental officials freely allowed to inspect premises
- Why is overcrowding allowed to persist - For example, upwards of 30-47 individuals were crowded into a Sober Living house in North Hills.
- How can one manager effectively supervise a large group of individuals living together 24 hrs/day

Even though some sober living homes may have beneficial outcomes, what about the industry as a whole? Where are the large scale studies that demonstrate that unregulated sober living homes are more successful than other treatment modalities? Research indicates that more definitive studies are needed (6, 7, 8, 9). If many sober living homes fly under the radar of detection and cannot be located, then how can they be evaluated for their outcomes and performance? Furthermore how can they be monitored for overall accountability and safety? By not intervening are we, as a city actually putting vulnerable individuals in harms way and contributing to their ongoing addiction and criminal activities? With little or no oversight, unscrupulous operators could be profiting at the expense of the vulnerable. This out-of-control industry must be reined in. Any facility where homeless, substance abusers/those recovering from substance abuse, physically or mentally disabled are living together (whether they receive treatment or not) must be closely supervised, regulated and State licensed. Otherwise there will be no safeguards in place to protect occupants or patients residing within these residential facilities.

Thank You for Your Consideration,

Maria Fisk

For information purposes:

Certified Diabetes Educator, Registered Dietitian

Member of:

Old Granada Hills Resident's Group, Board of Directors

OGHRG Zoning and Density Committee, Chair

Granada Hills South Neighborhood Council, Planning and Land Use Committee

Granada Hills Specific Plan Design Review Board

Neighborhood Watch

References:

1. JAMA. 1992;268(8):1012-1014.
2. J Am Med Assoc. 1957;165(13):1707-1713
3. AMA Policy H95.983 Drug Dependency as Disease
4. Joint statement of DOJ and HUD. Group Homes, Local Land Use, & the Fair Housing Act
5. California Department of Alcohol & Drug Programs
6. National Institute on Drug Abuse: Treatment approaches for Drug Addiction
7. National Institute on Drug Abuse, naturalistic studies DARP, TOPS, DATOS
8. Polcin DL, Sober living houses for alcohol drug dependence: J Subst Abuse Treat. 2010 Jun; 38 (4): 356-65.
9. Evaluation of the California Outcomes Measurement System

Cc: Jose Huizar, Councilmember; Paul Krekorian, Councilmember