



Laurel Canyon Association

*Community Organization Dedicated to Improving and Preserving
the Quality of Life in Laurel Canyon*

A

December 10th 2012

RE: CCFO

TO the PUBLIC SAFETY COMMITTEE MEMBERS:

The Honorable Mitchell Englander, Chair,
and fellow Councilmembers Jan Perry, Joe Buscaino, Paul Krekorian and Dennis Zine

Date: 12-10-12

Submitted in PS Committee

Council File No: 11-0262

Item No.: _____

Deputy:  _____

The Laurel Canyon Association and an overwhelming majority of our community members strongly support passage of the proposed Community Care Facility Ordinance.

In addition, we recommend the inclusion of language that would provide for site selection oversight in Hillside Fire Districts where increased density of any kind affects public safety.

In particular, we would like to see an amendment that prohibits group homes / boarding houses on substandard roads in Hillside Fire Districts.

Public safety in fire threatened hillside neighborhoods is our number one priority.

Thank you for considering our request to have this language added to the proposed Ordinance.

Sincerely,



Cassandra Barrere

President, Laurel Canyon Association

Cc Councilman Tom La Bonge & Staff

Tel: 323-650-8866 FAX: 323-656-4323
Email: Barreres@aol.com



**Mar Vista
Community Council**
P.O. Box 66871
Mar Vista, CA 90066

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2011-2012**

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smcommins@marvista.org

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billk@marvista.org

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Certified Neighborhood Council
August 13, 2002

Date: 12-10-12

Submitted in PS Committee

Council File No: 11-0262

Item No.: 1

Deputy: 

September 19, 2012

To: The Honorable Bill Rosendahl, Councilmember
11th District, City of Los Angeles
councilman.rosendahl@lacity.org

The Honorable Paul Koretz, Councilmember,
5th District, City of Los Angeles
paul.koretz@lacity.org

Dear Councilmembers:

At the regular meeting of the Mar Vista Community Council Board of Directors held September 11, 2012, the following policy motion was approved:

Whereas Los Angeles County, the City of Los Angeles and various other public and private entities will "focus funds on chronically homeless and public officials and private donors will spend \$105 million on more than a thousand chronic street dwellers" [Los Angeles Times article By Alexandra Zavis, posted 6:59 PM PDT, August 15, 2012] and

Whereas the siting of such housing with appropriate support to transition the chronic homeless to a stable living environment is of paramount importance to Neighborhoods throughout the City of Los Angeles and

Whereas the purchase of low density property is the biggest lifetime investment most families will ever make in the City of Los Angeles and

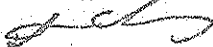
Whereas the City of Los Angeles Department of Building And Safety has opined there is no limit to the occupancy of a single family dwelling and

Whereas Neighborhoods have a right to know what decision making process will be employed to site such homes in low density Neighborhoods; how such homes and the resources needed to sustain them will be funded long term; whether the number of such homes per block will be limited; what the occupancy level of such homes will be; and which agency/agencies/not for profits will be directly accountable to the community wherein such homes are located once established

Therefore the Mar Vista Community Council calls for the complete transparency of this process, including full disclosure and accountability to the public and to Neighborhood and Community Councils concerning:

1. How and where chronic homeless with mental health issues would be placed and spaced and supervised in low density Neighborhoods
2. How and where parolee/probation homes would be placed and spaced and supervised in low density Neighborhoods
3. How and where so called 'wet houses' (homes where chronic drug and alcohol abusers can use off the street) would be placed and spaced and supervised in low density Neighborhoods

Sincerely,



Sharon Commins, Chair
Mar Vista Community Council

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INNER
CITY
LAW
CENTER

MEMORANDUM

Date: 12-10-12
Submitted in PS Committee
Council File No: 11-0262
Item No.: 1
Deputy: [Signature]

FROM: Greg Spiegel, Director of Public Policy

DATE: December 10, 2012

RE: Public Safety Committee Meeting Comments File # 11-0262

Greg Spiegel, Director of Public Policy, Inner City Law Center

First, I want to make clear that Inner City Law Center supports efforts to eradicate slum housing. Since our founding in 1980, Inner City Law Center has been at the forefront of the battle against slum housing and the suffering it imposes on tenants and their neighbors. It is our focus and our expertise.

One recent example is a building on 49th Street in South Los Angeles. The landlord got permits to convert a single-family home into 3 units but instead illegally built 44 rental units. The construction was unsafe. The electrical wiring was substandard and posed a severe fire risk. The third floor was not sufficiently supported by the second floor and the building was at-risk of collapse. ICLC worked with the Los Angeles Housing Department and Councilmember Perry to empty the building and in January of this year, the City Council approved relocation benefits for all the tenants to be safely relocated. ICLC has sued the landlord to compensate the tenants for their many injuries.

So, we welcome reforms that eliminate slums. Likewise, we welcome Councilmember Englander to this effort.

However, ICLC does not support several of the proposals in *this* proposed ordinance because they would violate fair housing laws and the Constitution and would make innocent people homeless. For instance, several proposals in this ordinance would violate fair housing laws because they are rooted in the false premise that people who live in shared housing are more dangerous and more likely to negatively impact their neighbors than people who do not live in shared housing. There is no factual basis for this premise.

Shared housing is housing where multiple tenants share one unit. People live in shared housing because it is all they can afford, or they prefer it, or because they have disabilities that make it difficult to live independently without sharing. Under the proposed ordinance, all shared

housing would be a boarding house and thus prohibited from all residential zones except multi-family zones. Where more than two parolees or probationers share housing, regardless of what they are on parole or probation for, they would be prohibited from these same zones and require a conditional use permit everywhere else. There is no justification for treating people differently under the law just because they live in shared housing.

The mistake the proposed ordinance makes is that it seeks to regulate *who* can live in housing rather regulating *how* the housing is maintained or operated or performs. ICLC supports reforms that seek to hold landlords and tenants responsible for their behavior.

Another problem with the proposed ordinance is that it does not understand the difference between licensed-care facilities and housing. Only about 1/3 of the proposed ordinance relates to state licensed facilities. State licensed facilities are not housing; they are more like hospitals. They are institutions that serve people who need acute care such as advanced Alzheimers patients or people in drug treatment.

In contrast, there is no state licensing for housing, whether it is boarding house, apartment or an owner-occupied single-family home. It is misleading to say that boarding houses are "unlicensed." There is no license to get. Boarding houses are housing and there is no license available for housing.

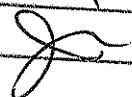
ICLC and other opponents of the proposed ordinance want to remedy slum housing just as much as Councilmember Englander and the ordinance supporters. We want improved conditions for tenants AND neighbors. While we believe this proposed ordinance would be illegal, we agree that there are slum buildings that make life difficult for tenants AND neighbors and not enough is being done to address the problem. We have developed our own alternatives and proposed ordinance language that we believe would help remedy slum housing and improve neighborhoods but without making people homeless or violating fair housing laws.

ICLC asks Councilmember Englander if he and a few of the proponents would meet with a handful of the opponents to get together to see if we could solve the problem in a mutually beneficial way. We believe this adversarial process has been inefficient and frustrating for all involved – proponents and opponents. Would you agree to a few meetings with us to see if we can find common ground?

Westwood South of Santa Monica Blvd
Homeowner's Association
Incorporated November 8, 1971
P. O. Box 64213
Los Angeles, CA 90064-0213

December 10, 2012

Mitchel Englander, Councilmember
Chair of the Public Safety Committee
Los Angeles City Hall
200 N. Spring Street
Los Angeles, CA 90012

Date: 12-10-12
Submitted in PS Committee
Council File No: 11-0262
Item No.: 1
Deputy: 

Re: Community Care Facilities Ordinance - Council File No. 11-0262

Dear Honorable Councilmember Englander and members of the Public Safety Committee:

We have written and testified before the Council's various committees numerous times to bring attention to the need for the City to establish a regulatory framework for the operation of Community Care Facilities. Thus far, the CCFO has remained stalled; however, there is some hope that as a result of discoveries at the site of a recent tragic multiple murder that this issue may gain the momentum it needs to result in the adoption of a Citywide policy.

Regulations that seek to establish guidelines for the operation of group homes do so not only for the neighbors and surrounding community, but more importantly, they do so for the RESIDENTS of those homes who are often recovering from illness and/or addiction, are elderly, or struggle with mental illness --- ie: some of the most vulnerable amongst us.

We look to the City to use its legal authority to regulate land use in a manner that protects the public health, safety and welfare of its residents and to ensure the stability, scale and quality of life in residential districts. We have come before the Council urging passage of regulations that address:

1. the proliferation of illegal group houses,
2. the associated crime and negative impacts to the residential character of our neighborhoods,
3. the abusive and predatory practices of illicit group house operators that have been allowed to operate boarding house businesses within residential districts without constraints.

These problems affect all areas in the City -- from the Harbor to the Valley and all points inbetween. They affect residents and property owners in all residential zones -- single family, low density and multi-family zoned properties. Sadly, as the number of group/boarding houses proliferate (together with a large number of parolee/probationer residents), so does the crime in the surrounding neighborhood. For each problematic group house, hundreds of surrounding neighbors are negatively impacted or become victims of serious crimes. While the relationships of those involved in this month's tragic murder at a boarding house property in the Valley have not yet been clarified, the impact is clear; neighbors are in shock and are fearful of those living in and frequenting this facility.

After reviewing the multiple ordinances from other cities, it is quite evident that the City of Los Angeles can follow the lead of those municipalities and can offer its residents comparable regulations. Our own LAPD Chief Beck submitted a letter of recommendation to the City Council in August of this year that sets out a framework to address the LAPD's concerns which mirror many of those of community representatives who have supported the adoption of a CCFO. Chief Beck's recommendations apply to group facilities in all residential zones which rightfully expands the discussion to take into account the operation of group facilities near sensitive uses, in undue concentrations, etc. We have seen that the operation of group facilities can be just as problematic for neighbors of multi family housing as it is in lower density zoned areas. In his letter, Chief Beck notes: "The Department recognizes

the goal of maintaining a balance between expanding the housing opportunities for residents of Community Care Facilities, while maintaining the public safety and quality of life for existing residents of the community. However, it is imperative that we preemptively, versus reactively, manage the specific uses of housing with forethought and regulatory protection."

In this debate, the single family homeowners and condominium homeowners (and residents) living adjacent and nearby these homes have not been heard. They have been marginalized as "NIMBY's because they have raised their voices when zoning and building and safety code violations go unenforced. These are, by the way, the same codes that these property owners must abide by. It is time for those advocating for the unfettered operation of these facilities to admit that there can be and are negative impacts and that the adoption of regulations is a reasonable response to balance the rights of all involved.

We believe the following changes be made to the CCFO, many echoing those proposed by Chief Beck:

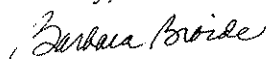
- **The Community Care Facility Ordinance should be retitled "Boarding, Rooming, Parolee/Probationer House Ordinance".**
- **Change the Definition of a Single Housekeeping Unit to:** One household where all the members have common access to and common use of all living, kitchen, and eating areas within 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 2 (two) separate agreements or leases, guest lease agreements, 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 separate lease agreements and the makeup of the household occupying the unit is determined by the residents of the unit rather than the landlord owner, agent or rental manager. In all instances in which a corporation owns a property, the owner shall be treated as if it were a non-resident owner.
- **Change the Definition of a Boarding or Rooming House:** A one-family dwelling where lodging is provided to individuals with or without meals, for monetary or non-monetary consideration under 3 (three) or more separate agreements or leases, guest lease agreements, 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 3 (three) or more separate agreements or leases, guest lease agreements, either written or oral. This applies whether or not the landlord owner, agent or rental manager resides within the residence. In all cases, subletting or subleasing shall be strictly prohibited. Guest and/or bedrooms are considered sleeping rooms and shall be limited to 2 (two) residents per room. Living/family/dining rooms, kitchens, bathrooms, hallways, garages, utility rooms, stairwells, storage structures are not considered sleeping rooms. A leased bedroom shall be considered the same as a guest room for density and parking requirements. This definition does not include any state licensed facility serving 6 (six) or fewer persons which, under state law, is not considered a boarding house.
- **Maintain current zoning codes that regulate the Community Care Facilities serving 7 or greater residents, requiring a variance and CUP process to locate in residential zones. Delete the CCF serving 7 or greater provision from this ordinance.**
- **Classify and define a Boarding, Rooming, Parolee/Probationer House as a business that is prohibited in areas zoned R 1 or single family, R2, RD zones. Require a CUP and a business license to locate in all other zones. All Parolee/Probationer Houses are considered high risk facilities.**
- **Add an Administrative Code Enforcement penalty provision to strengthen nuisance abatement laws.**
- **Boarding, Rooming, or Parolee Houses existing prior to effective date of the enactment of this ordinance are required to comply within 6 months of the ordinance's effective date.**

- **Establish a separate tracking mechanism and regulation for those facilities that are deemed high risk. Maintain a database to manage/track high risk boarding, rooming, and parolee/probationer houses, state licensed community care facilities serving greater than 7 residents and monitor those facilities that receive government payments for residents; the database will also provide valuable information to public safety entities to find and prevent abusive facilities.**
- **Maintain Parolee/Probationer House-Home definition in accordance to 9/13/11 City Attorney's Report. A Parolee/Probationer House is considered a high risk facility.**
- **Los Angeles Dept. of Building and Safety reserves the right to deny permits if a high risk facility if it would be detrimental to the community. Such determination may be based upon any environmental factors such as historically high crime trends; proximity to revitalization areas, daycare facilities, School Safe Passage Zones; or any other unique quality of life factor. It is recommended that LADBS conducts spontaneous inspections paid by the high risk facility.**
- **High risk facilities are prohibited from operating within 1000 feet of sensitive uses, including: liquor stores, motels, schools, recycling centers, marijuana dispensaries, including those restrictions listed in 12.70 LAMC-Adult Entertainment Zones.**
- **Department of City Planning to define the maximum saturation /placement of CCF's as a maximum of one high risk facility per square mile.**
- **Each high risk facility should be required to obtain a CUP that identifies specific conditions to protect the community from criminal behavior and secondary impacts.**
- **High risk facilities should maintain identification records of residents, similar to 42.49 LAMC-Hotel Registers and Room Rentals. Peace Officers as defined in 25755 (b) B &P, shall have unencumbered access to inspect such records.**
- **Each location should be equipped with clearly posted signage providing the following information: the contact information of the property owner or management company; and a sign prohibiting loitering about the high risk facility.**
- **All staff and residents of high risk facilities be required to sign an acknowledgement of the search conditions, conditions of the CUP, no alcohol or illegal drugs policy, and a clause indicating that violations will result in immediate eviction proceedings.**

It is critical that the City move forward at this time. We urge the thoughtful consideration of the recommendations identified above. The City of Los Angeles has the opportunity to pass a just, fair and balanced ordinance as other California municipalities have done while respecting residents' right to privacy and existing Fair Housing requirements. Finally, a clearly written ordinance will support the efforts of enforcement and safety officials thereby protecting the security, character, health, welfare and economic stability for all communities, neighborhoods and their residents. In its current fiscal crisis, the City can ill afford to allow communities to suffer from unabated blight that undermines not only community safety, but nearby property values. The City can ill afford to allow the continued operation of facilities that unduly tax our limited public safety resources as a result of poor facility management practices. There must be mechanisms in place to regulate these facilities and the regulations are needed now.

Thank you for your consideration.

Sincerely,



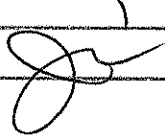
Barbara Broide
President

cc: Councilmember Koretz, Deputy Chris Koontz – CD 5

Tarzana Property Owners Association

December 10, 2012

Public Safety Committee
Los Angeles City Council
Los Angeles City Hall
200 North Spring Street
Los Angeles, CA 90012

Date: 12-10-12
Submitted in PS Committee
Council File No: 11-0262
Item No.: 1
Deputy: 

Subject: **Proposed Community Care Facilities Ordinance**
Council File 11-0262, CPC 2009-800-CA

Public Safety Committee Members:

We all agree on the goal, as stated in the City Attorney's Draft Ordinance: **Expand housing for the disabled while maintaining the quality of life in low density residential neighborhoods.**

As you know, in the five years since Councilman Smith introduced the motion to regulate sober living/community care facilities, various implementations have been put forward including the City Attorney's Draft Ordinance of September, 2011, the Planning Department's suggested revisions of April 2012, Chief Beck's letter of August 14, 2012, the Forum sponsored by CityWatch, articles in the LA Times and Daily News, and letters and presentations by Neighborhood Councils, Home Owner's Organizations, non-profits, and ad-hoc CCFO organizations. The recent murders at a group home in Northridge serve to highlight the danger to neighbors as well as residents of these illegal homes. As State law prohibits the ability of a city to regulate facilities housing six or fewer inhabitants, any City ordinance would only affect facilities housing seven or more residents. Our comments only address those larger facilities.

The Tarzana Property Owners Association and many other groups throughout the City, in keeping with the goal we all share, agree on the criticality of passing a Community Care Facilities Ordinance that contains the following provisions:

Effective zoning is a critical aspect of good city governance. Therefore any request for a deviation from existing zoning must go through the conditional use process or a similar process with public notice and a public hearing. In order to grant any deviation, the proposed facility must provide a public benefit, not be detrimental to the surrounding community, and mitigate any impacts on the surrounding community.

All facilities must be registered with the City and subject to City regulation. Chief Beck's suggestions on the subject form an excellent basis: State licensing, registration and a business license with the City, a fee paid to the City to cover the cost of regulation and periodic inspection of the facility. All existing facilities must comply with the registration requirements and pass an

inspection by the Department of Building and Safety within 30 days of passage of the proposed ordinance. All proposed facilities must pass an inspection before commencement of operation.

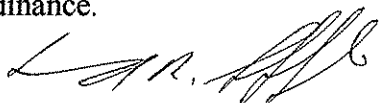
All facilities must conform to City, County, and State regulations. The Draft Ordinance issued by the City Attorney includes effective room definition and occupancy limits (maximum two occupants per bedroom, County definition of minimum room size), as well as parking and lighting regulation.

Boarding Houses and Parolee-Probationer Homes cannot be permitted in low density residential zones. The Draft Ordinance issued by the City Attorney includes applicable definitions for these facilities, including defining a parolee-probationer home as a facility with three or more unrelated parolees/probationers. It may be more practical to define a boarding house as one with more than three leases (written or implied).

Provisions of the ordinance must be enforced. The Department of Building and Safety must conduct, at least annually, spontaneous, unannounced inspections of all such facilities. All existing facilities that do not meet the requirements of the ordinance must either be modified to do so or close within 30 days.

Facilities must maintain adequate separation between like facilities and other specified uses. No CCFO related facility in a low density residential zone may be established within 1000 feet of another such facility. Existing facilities that meet all other requirements may be permitted to remain in operation if they meet all other provisions of the ordinance and are separated from a similar facility by at least 500 feet. No CCFO related facility, in any zone, may be permitted within 1000 feet of a school, marijuana dispensary, or liquor store.

Thank you for your effort in helping to establish an effective Community Care Facility Ordinance.



David R. Garfinkle
President, Tarzana Property Owners Association