

**COMMUNITY CARE FACILITY ORDINANCE MOTION.** Jennifer Malaret, Chris Spitz and George Wolfberg. Upon motion by Chris Spitz, seconded by George Wolfberg, the Council approved the following resolution:

PACIFIC PALISADES COMMUNITY COUNCIL RESOLUTION RELATED TO THE CITY OF LOS ANGELES', DEPARTMENT OF PLANNING, RECOMMENDED COMMUNITY CARE FACILITY ORDINANCE; COUNCIL FILE 11-0262; REPORT NO. R13-0014 DATED JANUARY 3, 2013 AND ALARCON-ROSENDAHL AMENDING MOTION 31B DATED JANUARY 30, 2013

Whereas, for more than six years the City of Los Angeles has deemed it necessary to update the Los Angeles Municipal Code's ("LAMC") existing definitions of *family* and *boarding/rooming houses* to provide effective tools for the City to enforce its zoning laws relative to transient shared housing operations in low-density R1 and R2 zones.

Whereas, the Pacific Palisades Community Council ("PPCC") has supported an update to the zoning code via the enactment of a well-balanced Community Care Facilities Ordinance ("CCFO"), currently evidenced by Planning's most recent Report No. R13-0014 (the "January 2013 CCFO")<sup>1</sup>. PPCC has asked for nominal protections as found in other cities that seek to maintain stable single- family neighborhoods by:

- prohibiting unlicensed and illegal boarding homes, as well as parolee/probationer facilities,
- imposing concentration and distance limits from sensitive uses, and
- public notice for larger facilities that serve seven (7) or more residents.

**Now Therefore Be It Resolved that the Pacific Palisades Community Council:**

(A) OPPOSES the Alarcon-Rosendahl- Amending Motion ("Gut the Code") because this proposed amendment would eliminate the historic prohibition of the establishment of boarding houses in low-density R1 and R2 zones by removing the definitions of "family", "parolee- probationer home," "single housekeeping unit" and "boarding or rooming house" from the zoning code. Alarcon-Rosendahl's Gut the Code Motion also eliminates the requirement for a conditional use permit for parolee-probationer homes in any residential building located in R3 or more restrictive zones. Thus, the Alarcon-Rosendahl Gut the Code Motion opens all residential areas of the Palisades<sup>2</sup> to transient boarders by allowing any R1 and R2 property owner to rent to as many persons, including parolees/probationers, as the code allows without parking requirements, and performance standards to protect neighbors and limits to protect residential blocks, schools and churches.

(B) SUPPORTS the proposed Westside Regional Alliance of Councils' ("WRAC") Motion written in opposition to the Alarcon-Rosendahl Gut the Code Motion:

*We, the members of the Westside Regional Alliance of Councils, oppose Amending Motion 31B, submitted January 30, 2013 to Council File 11-0262, on the following grounds: (1) Lack of sufficient staff support and lack of a funding mechanism, (2) Inability to presently enforce codes, (3) Anticipated 10% across the board budget cuts to all City departments slated for FY 2013-2014, and (4) Complete lack of transparent fiscal analysis. We further strongly oppose the continued gutting of the R1 and other low-density residential zones in the City of Los Angeles. The General Plan of the City of Los Angeles protects the residential character of these zones. The City is therefore required by law to prepare a General Plan Amendment and to produce a full Environmental Impact Report in compliance with CEQA to establish any ordinance adding boarding houses as a by right use into low density residential zones.*

(C) URGES THE LOS ANGELES CITY COUNCIL TO:

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<sup>1</sup> The January 2013 CCFO was written following four (4) human executions that occurred in an overcrowded, unlicensed City of Los Angeles boarding home and a unanimous vote of the City Council's Public Safety Committee on January 2, 2013 recommending that the Council approve the CCFO subject to several amendments.

<sup>2</sup> PPCC urges all homeowner groups and stakeholders to research and consider that perceived protections offered by HOAs, CC&Rs, & other covenants may not apply due to federal and state housing laws.

- (1) Maintain and preserve the definitions of “family”, “parolee-probationer home,” “single housekeeping unit” and “boarding or rooming house” in the January 2013 CCFO;
- (2) Preserve the conditional use permit requirement for Parolee-Probationer Homes as listed in the January 2013 CCFO;
- (3) Maintain and preserve the Parking Requirement, Public Benefit and Performance Standards as listed in the January 2013 CCFO;
- (4) Ensure that the City’s zoning authorities shall have appropriate enforcement resources for all licensed and unlicensed Community Care Facilities with nuisance, parking, infrastructure overutilization and zoning problems, and that all landlords of Community Care Facilities be required to appropriately and sustainably pay into a dedicated fund to ensure all funding, manpower and other resources to perform such enforcement. (5) Provide a phase-in period of one year coupled with a reduced [or waived] fee for that year for the Directors Determination specified in LAMC 12.22 EXCEPTIONS, A. USE #27, REASONABLE ACCOMODATION to provide a path to legitimacy for existing unlicensed group homes which do not adhere to the definitions specified in (C)(1) herein but serve protected populations as defined by the Americans with Disabilities Act.
- (6) Include the recommendations of LAPD Chief Charlie Beck set forth in the Chief’s August 14, 2012 letter to City Council [previously circulated/public document; available upon request].

February 28, 2013