

## Los Angeles Planning and Zoning

**SEC. 14.3.1. ELDERCARE FACILITIES.****(Added by Ord. No. 178,063, Eff. 12/30/06.)**

**A. Purpose Statement.** The purpose of this article is to provide development standards for Alzheimer's/ Dementia Care Housing, Assisted Living Care Housing, Senior Independent Housing and Skilled Nursing Care Housing, create a single process for approvals and facilitate the processing of applications of Eldercare Facilities. These facilities provide much needed services and housing for the growing senior population of the City of Los Angeles.

**B. Eldercare Facility Unified Permit.** The Zoning Administrator, as the initial decision maker, may, upon application, permit an Eldercare Facility to be located on a lot or lots in the A1 through R3 Zones, or in the RAS3, R4, RAS4, R5, and all C Zones, when an Eldercare Facility does not meet the use, area, or height provisions of the respective zone contained in this chapter, or the requirements of any specific plan, supplemental use district, "I" classification, "Q" condition, "D" limitation, or Citywide regulation adopted or imposed by City action. In order to approve the project, the Zoning Administrator shall ensure that it is in conformance with the provisions of this section.

In addition, if the proposed Eldercare Facility is located within the boundaries of an adopted specific plan, notwithstanding the provisions of Section 11.5.7 C. of this Code, the Zoning Administrator shall have the initial decision making authority to decide whether the proposed Eldercare Facility is in conformance with the applicable regulations of the specific plan. In making this determination, the Zoning Administrator shall make each of the findings set forth in Section 11.5.7 C.2. of this Code, following the provisions set forth in this section. Further, if the proposed Eldercare Facility is subject to site plan review, notwithstanding the provisions of Section 16.05 of this Code, the Zoning Administrator shall have the initial decision making authority relating to site plan approval. In making this determination, the Zoning Administrator shall make each of the findings set forth in Section 16.05 F. of this Code, following the provisions set forth in this section.

**C. Application for Permit.** To apply for an Eldercare Facility Unified Permit approval, an applicant shall file an application and development plans with the Department of City Planning, on a form provided by the Department, and include all information required by the instructions on the application and the guidelines adopted by the Director of Planning. The Director of Planning shall adopt guidelines which shall be used to determine when an application is deemed complete. The application shall include a description of how the proposed Eldercare Facility meets the findings set forth in this section.

**D. Procedures.** An application for an Eldercare Facility Unified Permit shall follow the procedures set forth in Sections 14.00 B.4., 14.00 B.7. through B.11. and Section 19.00 of this Code. If the Zoning Administrator fails to act on an application within the time provided, the applicant may file a request for a transfer of jurisdiction to the Area Planning Commission for decision, pursuant to the procedures set forth in Section 14.00 B.8. An applicant or any other person aggrieved by a decision of the Zoning Administrator may appeal the decision to the Area Planning Commission pursuant to the procedures set forth in Section 14.00 B.9. and Section 19.00.

**E. Findings for Approval. (Amended by Ord. No. 182,095, Eff. 5/7/12.)** The Zoning Administrator shall not grant the approval unless he or she finds that the strict application of the land use regulations on the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations. The Zoning Administrator

must also find:

1. that the project's location, size, height, operations and other significant features shall be compatible with and shall not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety;
2. that the project shall provide services to the elderly such as housing, medical services, social services, or long term care to meet citywide demand;
3. that the project shall not create an adverse impact on street access or circulation in the surrounding neighborhood;
4. that the project provides for an arrangement of uses, buildings, structures, open spaces and other improvements that are compatible with the scale and character of the adjacent properties and surrounding neighborhood; and
5. that the project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and with any applicable specific plan.

**F. Conditions of Approval.** In approving any Eldercare Facility pursuant to this section, the Zoning Administrator may impose those conditions, based upon written findings, which it deems necessary to protect the best interests of the surrounding property or neighborhood, or to ensure that the development is compatible with the surrounding properties or neighborhood, or to lessen or prevent any detrimental effect on the surrounding property or neighborhood, or to secure appropriate development in harmony with the objectives of the General Plan.

**G. Fees.** The fee shall be as provided in Section 19.01 X. for the Eldercare Facility Unified Permit.

**H. Existing Uses.** Any lawful use of an Eldercare Facility existing on a lot or portion of a lot at the time the property is first classified in a zone in which the use is permitted only by conditional use or at the time the use in that zone first becomes subject to the requirements of this section, shall be deemed to be approved for the Eldercare Facility Unified Permit and may be continued on the lot. Further, the conditions included in any special district ordinance, exception, conditional use, or variance, which authorized the use, shall also continue in effect.

**I. Development of Site.** On any lot or portion of a lot on which an Eldercare Facility Unified Permit has been approved pursuant to the provisions of this section, new buildings or structures may be erected, enlargements may be made to existing buildings, and the existing housing types within the Eldercare Facility may be extended on the approved site, provided that development plans are submitted to and approved by the Zoning Administrator. The Zoning Administrator may disapprove the plans if he/she finds that the use does not conform to the purpose and intent of the findings required for an Eldercare Facility under this section, and may specify the conditions under which the plans may be approved. The decision of the Zoning Administrator shall be subject to the same appeal procedures as is provided for an application to establish the Eldercare Facility.

**J. Reduction of Site.** So long as the Eldercare Facility use is continued, the entire approved site shall be retained as an Eldercare Facility, and no portion shall be severed from the site or utilized for other purposes unless development plans for the reduced site are first submitted to and approved by the Zoning Administrator. The decision of the Zoning Administrator shall be subject to the same appeal

procedures as is provided for an application to establish the Eldercare Facility.

**K. Change of Use.** No housing type within an Eldercare Facility may be changed to a different housing type unless the new housing type is authorized in accordance with the procedures in this section for the establishment of an Eldercare Facility. As part of any Eldercare Facility Unified Permit, the Zoning Administrator or the Area Planning Commission on appeal, may approve changes to the number of dwelling units, guest beds, guest rooms, or floor area provided that a minimum of 75 percent of the floor area, exclusive of common areas, shall consist of Senior Independent Housing and/or Assisted Living Care Housing.

**L. Discontinuance of Use.** If an Eldercare Facility is abandoned, or is discontinued for a continuous period of one year, it may not be re-established unless authorized in accordance with the procedures in this section for the establishment of an Eldercare Facility.

**M. Revocation.** The revocation procedure that applies to conditional uses and other similar quasi-judicial approvals in Sections 12.24 Z. and 12.24 AA. shall also apply to revocations of Eldercare Facilities that were granted pursuant to the procedures in this section.

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