


ITEM No. 21 - A

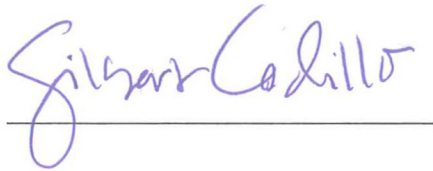
MOTION

I MOVE that the matter of the Planning and Land Use Management Committee Report relative to guidelines for processing Eldercare Facility Unified Permits and related matters, Item No. 21 on today's Council Agenda (CF 13-1325), BE AMENDED to adopt the attached guidelines as prepared by the Planning Department.

PRESENTED BY:


MITCHELL ENGLANDER
Councilmember, 12th District

SECONDED BY:



ORIGINAL

May 28, 2014

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May 28, 2014

Council of the City of Los Angeles
200 North Spring Street
Los Angeles, CA 90012

RE: **ELDERCARE FACILITIES/UNIFIED PERMITS/GUIDELINES FOR
PROCESSING
CF 13-1325**

Honorable Members of the Los Angeles City Council:

For your consideration, this report identifies the new forms and procedures the Department of City Planning has developed for the processing of Eldercare Facility Unified Permits. The new set of filing instructions (CP-7820; see attached) which requires:

- 1) the applicant to identify all deviations from the Municipal Code necessary (this will not result in a new entitlement process, but instead allows the decision-maker to understand the baseline requirements of a given project all within the Eldercare Facility Unified Permit application);
- 2) a Shade/Shadow Analysis (should it be warranted);
- 3) a response to all six (6) findings; and,
- 4) six (6) operational questions, including type of on-site (or off-site) services provided, the allocation of floor area per housing type, the type of transportation provided and the number of staff (including doctors and nurses) that will be working at, or residing at the facility.

Furthermore, the Department has created a new Technical Bulletin (Technical Bulletin No. 21; see attached) which will be used by staff in reviewing and ultimately rendering decisions on Eldercare Facility Unified Permits applications. In summation, staff is directed to:

- 1) To conduct a Shade/Shadow Analysis should the project include deviations from permitted height or required setbacks and be adjacent to a sensitive use (including a single-family dwelling); and to conduct a Transportation Analysis should the project exceed 50 units, or obtain vehicular access for a Local Street.
- 2) Analyze projects in consideration of the applicable objectives of the Residential Citywide Design Guidelines.
- 3) Compare the physical characteristics, such as density, height and setbacks, for projects against the applicable regulations and the surrounding community.
- 4) Identify enriched on-site services provided, such as social and physical activities and aging-in-place opportunities (individuals transferring from Senior Independent Housing into Alzheimer's/Dementia Care Housing).
- 5) For projects that do not provide enriched on-site services, identify nearby transportation and social/health services, opportunities for community involvement, age-appropriate commercial centers and other accessibility/walkability considerations.

Using the analysis discussed above, the Department will be able to more fully understand the scope (both physically and operationally) of a proposed project and the context in which the project is located in.

Lastly, in an effort to eliminate confusion and to reduce duplicative sets of guidelines, the Department will implement the approved set of Residential Citywide Design Guidelines applicable to multi-family developments instead of creating a specific set of guidelines only for Eldercare Facilities (see Technical Bulletin, item 2-B,1). We believe this further achieves the Council's intent of the Eldercare Facility Unified Permit by streamlining and simplifying the application process.

This report identifies the new forms and procedures the Department of City Planning has developed for the processing Eldercare Facility Unified Permits. Should you have any questions about this report, please call Oliver Netburn at (213) 978-1395.

Sincerely,



ALAN BELL, AICP
Deputy Director

AB:TR:ON

ELDERCARE FACILITY UNIFIED PERMIT

In 2006, the City Council adopted the Eldercare Ordinance (Ord. No. 178,063), which established a variety of new housing types, including: Senior Independent Housing, Assisted Living Care Housing, Skilled Nursing Care Housing, Alzheimer's/Dementia Care Housing and Eldercare Facility, parking regulations pertaining to these housing types and the streamlined land use entitlement process, Eldercare Facility Unified Permit (EFUP) for deviations from the Los Angeles Municipal Code (L.A.M.C.) or any applicable Specific Plan.

This Technical Bulletin identifies reference documents available for use by applicants, the general public, City staff and decision-makers to effectively review an EFUP application and implement the Eldercare Ordinance and is intended to provide a level of predictability to both applicants and the general public.

In addition to this Technical Bulletin, applicants are now required to follow a specific set of filing instructions (*Findings/Specialized Requirements: Eldercare Facility Unified Permit*) to ensure consistency across applications.

1. Documents required for an Eldercare Facility Unified Permit:

The documents required for an EFUP, found on the *Findings/Specialized Requirements: Eldercare Facility Unified Permit* form, are intended to:

- A. Encourage projects which are compatible with the scale and character of the adjacent properties and surrounding neighborhood, in addition to providing housing and services (or access to services) for the senior population.
- B. Provide the necessary information to adequately analyze a project for purposes of CEQA, compliance with applicable regulations and conformance with the General Plan, applicable community plan, and with any applicable specific plan.
- C. Establish a framework and clarity in the initial Zoning Administrator's determination.

2. Environmental Review and Project Analysis:

The environmental review and project analysis establish a baseline understanding of the existing conditions not only on the subject property, but also the surrounding community. The following may be appropriate when reviewing and analyzing applications:

A. Environmental:

- 1) Projects that include deviations from permitted height or required setbacks by the underlying zone, should conduct a shade/shadow analysis if the project abuts sensitive uses, such as single-family properties. (Findings #1, 4 and 5 of Section 14.3.1-E)
- 2) For projects that include 50 units or more (including dwelling units or beds), a Transportation Analysis must be obtained by the Department of Transportation. (Findings #1, 3 and 5 of Section 14.3.1-E)
- 3) For projects less than 50 units (including dwelling units or beds) that include vehicular access from a Local Street, a Transportation Analysis should be obtained by the Department of Transportation. (Findings #1, 3 and 5 of Section 14.3.1-E)

B. Project Analysis:

- 1) Discuss the project design relative to applicable objectives of the Residential Citywide Design Guidelines. (see Checklist CPC-4046 for Citywide Design Guidelines). (Findings #1, 4 of Section 14.3.1-E)
- 2) Compare the physical characteristics, such as density, height and setbacks, for projects against the applicable regulations.
 - a) For projects that include higher densities than what is allowed by the underlying zone, locate nearby public transportation, commercial uses and community facilities (such as parks or libraries) and consider accessibility/walkability. (Findings #1, 2, 3, 4 and 5 of Section 14.3.1-E)
 - b) Provide expanded analysis of density including, but not limited to the following: (Findings #1, 4 and 5 of Section 14.3.1-E)
 - i. The General Plan Land Use Designation necessary to achieve the proposed density, if it is different than what currently exists.
 - ii. The maximum allowable density through utilization of the Density Bonus Ordinance.

The following table provides an analysis of the densities permitted by General Plan Land Use Designation for a 100,000 square-foot lot.

Land Use Designation	Corresponding Zones	Minimum Lot Area per Dwelling Unit	Maximum # of Units (By Right)	Maximum # of Units (35% Density Bonus)
Low Residential (existing)	RE9, RS, R1, RD6, RD5, RU	3,500	29	27*
Low Medium I RD	RD3, RD4, RU	3,500	29	39
Low Medium II	RD1.5, RD2	1,500	67	90
Medium	R3	800	125	169

*Density Bonus is only permitted on multi-family zoned lots.

- c) Provide expanded analysis of yard and height regulations including, but not limited to the following: (Findings #1 and 4 of Section 14.3.1-E)
 - i. The yard and height regulations of the existing the underlying zone.
 - ii. The yard and height regulations of the zones within a 500-foot radius of the subject property.
 - iii. The yard and height regulations of other appropriate zones, such as an un-effectuated zone on the subject property.

The following table represents a hypothetical project considering an Eldercare Facility located on a property zoned A2, with an un-effectuated RD6 zone change and in a community primarily consisting of the RS zone.

Zone	Front Yard (in feet)	Side Yard (in feet)	Rear Yard (in feet)	Maximum Height (in feet)
Proposed Project	20	13	20	40
A2 (existing)	25	16	25	45
RS (surrounding community)	23.67 (prevailing)	7	20	33
RD6 (un-effectuated zone)	20	10	25	45

- 3) Identify enriched on-site services provided, such as social and physical activities and aging-in-place opportunities (individuals transferring from Senior Independent Housing into Alzheimer's/Dementia Care Housing). (Findings #3 and 5 of Section 14.3.1-E)
- 4) For projects that do not provide enriched on-site services, identify nearby transportation and social/health services, opportunities for community involvement, age-appropriate commercial centers and other accessibility/walkability considerations. (Findings #3 and 5 of Section 14.3.1-E)

3. Initial Decision-making:

Projects that include 50 units (including dwelling units or beds) or more require findings made pursuant to Section 16.05 of the L.A.M.C. (Site Plan Review).

Other elements to consider related to an Eldercare Facility may include, but are not limited to:

- A. Section 12.21-A,4(u) permits up to a 50% reduction in the number otherwise required parking spaces if certain conditions are met. Among other things, the applicant must ensure that the parking spaces otherwise required by the Code be provided should the development cease to qualify as an Eldercare Facility. This can be achieved through the construction of new parking spaces (shown on the Plot Plan) or through a Covenant and Agreement that describes a reprogramming plan (e.g. a reduction in units through consolidation of one-bedroom units into multi-bedroom units).
- B. Does the project provide accessible units for severely disabled or immobile individuals consistent with Type A or Type B building standards found in the International Code Council?
- C. Does the project provide any affordable units?

For questions regarding this bulletin, contact Oliver Netburn (oliver.netburn@lacity.org).



Findings / Specialized Requirements

ELDERCARE FACILITY UNIFIED PERMIT (ELD)

NOTE: When filing for the above application, the following items are required in addition to those specified in the Master Filing Instructions (form CP-7810).

RELATED CODE SECTION: Los Angeles Municipal Code (LAMC) Section 14.3.1 authorizes applications for Eldercare Facilities in the A1 through R3 Zones where not permitted by right; or in the RAS3, R4, RAS4, R5, and all C Zones when the facility does not meet the use, area, or height provisions of the respective zone; or when the facility does not meet the requirements of any specific plan, supplemental use district, "T" classification, "Q" condition, "D" limitation or Citywide regulation adopted or imposed by City action.

PUBLIC NOTICING: The applicant must arrange for the mailing of a hearing notice to all property owners and occupants (i.e. tenants) within 500 feet of the subject site as well as on-site posting of the notice. Refer to the Mailing Procedures (CP-2074) and On-Site Posting (CP-7762) handouts for further instructions.

SPECIALIZED REQUIREMENTS:

1. **Shade/Shadow Analysis** – Required if the project exceeds the allowable height or if it encroaches into the required yard setbacks which abut sensitive uses, including, but not limited to single-family homes.
2. **Plot Plan** – Be sure to include where and how the future required parking spaces will be provided if the project is utilizing LAMC Section 12.21-A,4(u). Refer to Plot Plan Instructions (CP-7752).
3. **Floor Plan** – Label the specific use of the rooms and locations where program activities are occurring. Refer to Floor Plan Instructions (CP-7751).
4. **Master Land Use Application** – The Master Land Use Application (CP-7771) must identify each provision of the LAMC that the project is deviating from (for example use, density, floor area, height, setbacks, open space, parking, etc.).
5. **State License** – For projects which contain Alzheimer's/Dementia Care Housing, Assisted Living Care Housing, and/or Skilled Nursing Care Housing, provide a copy of the State license (if already issued).

FINDINGS: In order to approve an application, the decision maker must decide if the facts presented in the record are such to establish the findings (i.e. criteria for approval) stated below. On separate pages copy each finding, and follow it with a justification/explanation of how the proposed project conforms to the finding.

1. Explain how 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.
2. Describe how the project's location, size, height, operations and other significant features are compatible with and do not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.
3. Describe the services to the elderly such as housing, medical services, social services, or long term care to meet citywide demand.

4. Explain how the project does not create an adverse impact on street access or circulation in the surrounding neighborhood.
5. Explain how the 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.
6. Explain how 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.

ADDITIONAL QUESTIONS: The items below cover important information which will help acquaint the decision maker with your request. The information is required but should not be considered as a limitation upon material to be submitted, and the applicant is encouraged to include any additional material you feel is relevant. In the space below, or on separate paper if necessary, complete the following:

1. Section 12.03 of the LAMC specifies that a minimum of 75% of the floor area of an Eldercare Facility, exclusive of common areas, shall consist of Senior Independent Housing and/or Assisted Living Care Housing. Please complete the following chart to indicate what portion of your proposed project is dedicated to the following uses:

Use	Floor Area	Percentage
Alzheimer's / Dementia Care Housing	square feet	%
Assisted Living Care Housing	square feet	%
Senior Independent Housing	square feet	%
Skilled Nursing Care Housing	square feet	%
Common Areas	square feet	%
Total	square feet	100%

Indicate the sheet number on the plans that shows the required information Summary Table which includes the above data. _____.

2. What enriched services are provided on-site, such as social and physical activities and aging-in-place opportunities?

3. What enriched services are provided off-site and within 1,500 feet, such as transportation and social/health services, opportunities for community involvement (such as libraries or parks), senior serving commercial uses, (such as grocery store, drug store, beauty salon/barber shop, coffee shops) and other accessibility/walkability considerations?

4. Will the project provide reduced parking spaces, pursuant to Section LAMC Section 12.21-A,4(u)?
 Yes No If Yes, indicate below how the additional parking spaces otherwise required by the Code will be provided should the development cease to qualify as an Eldercare Facility:

- a. If by construction of new parking spaces, indicate the sheet number on the plans which shows where the spaces would be provided: _____.
- b. If by other methods, describe how Code required parking would be achieved (for example reduction in number of units through consolidation).

5. Will there be special transportation (e.g. buses, vans) provided for the residents? Yes No
If Yes, where they will be stored or parked? _____. If on site, indicate the sheet number on the plans which shows where they will be parked _____.

6. What will be the maximum number of staff at the facility at any given time? _____
Will any of the staff/facility operators reside on the premises? Yes No
If Yes, how many? _____

7. Will there be nurses and/or doctors visiting the facility? Yes No
If Yes, how many? _____; and how often? _____

8. Will there be nurses and/or doctors residing on the premises? Yes No
If Yes, how many? _____