

**PLANNING DEPARTMENT TRANSMITTAL
TO THE CITY CLERK'S OFFICE**

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
CPC-2019-1881-CA	ENV-2019-1882-SE	ALL
PROJECT ADDRESS:		
CITYWIDE		
APPLICANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
City of Los Angeles Department of City Planning <input type="checkbox"/> New/Changed	N/A	N/A
APPLICANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
N/A	N/A	N/A
APPELLANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
N/A	N/A	N/A
APPELLANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
N/A	N/A	N/A
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Cally Hardy	(213) 978-1643	cally.hardy@lacity.org
ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION		
Code Amendment (CA)		

FINAL ENTITLEMENTS NOT ADVANCING:

N/A

ITEMS APPEALED:

N/A

ATTACHMENTS:**REVISED:****ENVIRONMENTAL CLEARANCE:****REVISED:**

- Letter of Determination
- Findings of Fact
- Staff Recommendation Report
- Conditions of Approval
- Ordinance
- Zone Change Map
- GPA Resolution
- Land Use Map
- Exhibit A - Site Plan
- Mailing List
- Land Use
- Other _____

-
-
-
-
-
-
-
-
-
-
-
-

- Categorical Exemption
- Negative Declaration
- Mitigated Negative Declaration
- Environmental Impact Report
- Mitigation Monitoring Program
- Other _____

-
-
-
-
-
-

NOTES / INSTRUCTION(S):

N/A

FISCAL IMPACT STATEMENT: Yes No

*If determination states administrative costs are recovered through fees, indicate "Yes".

PLANNING COMMISSION:

- City Planning Commission (CPC)
- Cultural Heritage Commission (CHC)
- Central Area Planning Commission
- East LA Area Planning Commission
- Harbor Area Planning Commission

- North Valley Area Planning Commission
- South LA Area Planning Commission
- South Valley Area Planning Commission
- West LA Area Planning Commission

PLANNING COMMISSION HEARING DATE:	COMMISSION VOTE:
May 9, 2019	5 - 0
LAST DAY TO APPEAL:	APPEALED:
N/A	N/A
TRANSMITTED BY:	TRANSMITTAL DATE:
Cecilia Lamas Commission Executive Assistant	May 22, 2019



LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300

www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: MAY 22 2019

Case No. **CPC-2019-1881-CA**
CEQA: ENV-2019-1882-SE
Plan Area: All

Council District: All

Project Site: Citywide

Applicant: City of Los Angeles

At its meeting of **May 9, 2019**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following:

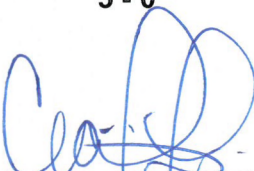
An ordinance amending Sections 12.80 and 12.81 of the Los Angeles Municipal Code (LAMC) to make technical amendments to align with emergency shelter regulations in state law (Government Code Section 8698 et. seq).

1. **Recommended** that the City Council **determine**, based on the whole of the administrative record, that the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 21080(b)(4) of the Public Resources Code and CEQA Guidelines Sections 15061(b)(3) and 15269;
2. **Approved and recommended** that the City Council **adopt**, the proposed ordinance;
3. **Adopted** the Staff Report as the Commission's Report on the subject; and
4. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Ambroz
Second: Perlman
Ayes: Khorsand, Millman, Padilla-Campos
Absent: Choe, Mack, Mitchell

Vote: 5 - 0



Cecilia Lamas, Commission Executive Assistant
Los Angeles City Planning Commission

Effective Date/Appeals: The decision of the City Planning Commission is not appealable.

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable and the decision is final.**

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Ordinance, Findings

c: Arthi L. Varma, Deputy Director
Matthew Glesne, City Planner
Cally Hardy, City Planning Associate

ORDINANCE NO. _____

An ordinance amending Sections 12.80 and 12.81 of the Los Angeles Municipal Code (LAMC) to make technical amendments to align with emergency shelter regulations in state law (Government Code Section 8698 et seq.).

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Sec. 1. Section 12.80 of Article 2 of Chapter 1 of the Los Angeles Municipal Code is amended to read as follows:

SEC. 12.80. HOMELESS SHELTERS – EMERGENCIES – GOVERNMENT OWNED AND LEASED PROPERTY.

Notwithstanding any provisions of this article to the contrary, during any period for which the Mayor and/or the City Council have declared a shelter crisis within the meaning of Government Code Sections 8698, et seq., a shelter for the homeless (as defined in Section [12.03](#) of this Code) may be established and operated on property owned or leased by the City of Los Angeles in any zone as a matter of right without regard to the number of beds or number of persons served. Facilities used as a shelter for the homeless under this section must comply with the minimum building regulations set forth in Section [91.8605](#) of this Code, as it is currently written or as it may be amended in the future. If the lot on which any such shelter is located does not have sufficient area to provide the number of parking spaces required by Section [12.21](#) A.4.(w) of this Code, then the number of spaces required shall be the number for which adequate area exists. If insufficient area for any parking spaces exists on the lot, no spaces shall be required.

~~Any declaration of a shelter crisis made pursuant to Government Code Sections 8698, et seq., shall not exceed a period of 365 days from the date of declaration. The City Council may renew a shelter crisis declaration made pursuant to Government Code Sections 8698, et seq., on an annual basis.~~

Sec. 2. Section 12.81 of Article 2 of Chapter 1 of the Los Angeles Municipal Code is amended to read as follows:

SEC. 12.81. HOMELESS SHELTERS – EMERGENCIES – CHARITABLE ORGANIZATIONS.

A. Notwithstanding any provisions of this article to the contrary, during any period for which the Mayor and/or the City Council have declared a shelter crisis within the meaning of Government Code Sections 8698, et seq., a shelter for the homeless (as defined in Section [12.03](#) of this Code) may be established and operated in the R3, RAS3, R4, RAS4, R5, C2, C4, C5, CM, M1, M2 and M3 zones without regard to the number of beds or number of persons served, if the shelter is operated by a religious institution or a non-profit, charitable organization and the shelter is located on property owned or leased by that institution or organization. If the lot on which any such shelter is located does not have sufficient area to provide the number of parking spaces required by Section [12.21](#) A.4.(w) of this Code, then the number of spaces required shall be the number for which adequate area exists. If insufficient area for any parking spaces exists on the lot, no spaces shall be required. Unreinforced masonry and/or non-ductile concrete buildings shall not be used as shelters for the homeless.

~~Any declaration of a shelter crisis made pursuant to Government Code Sections 8698, et seq., shall not exceed a period of 365 days from the date of declaration. The City Council may renew a shelter crisis declaration made pursuant to Government Code Sections 8698, et seq., on an annual basis.~~

B. Requirements.

1. Providers shall register with the City of Los Angeles by submitting "Cold/Wet Weather Temporary Shelter Application" online via the City's website (www.lacity.org); and
2. Providers shall comply with the "Cold/Wet Weather Temporary Shelter" requirements promulgated by the Los Angeles Fire Departments Fire Prevention and Public Safety Bureau; and
3. Providers shall provide written notification to the owners of properties abutting the subject property, as well as to any school located within 500 feet of the subject property, prior to operating a shelter for the homeless on the subject property.
4. Providers shall comply with all local, state and federal requirements that apply to the permitted use of their property while operating a shelter for the homeless pursuant to this section.

Sec. 3. URGENCY CLAUSE. The City finds and declares that this ordinance is required for the immediate protection of the public peace, health, and safety for the following reasons: The measures contained in the ordinance are designed to protect those without shelter from the life-threatening impacts related to homelessness, including but not limited to exposure to extreme temperatures, weather conditions, and communicable diseases. The City of Los Angeles is already in the midst of a shelter crisis, with the City Council having formally declared a shelter crisis under California Government Code Section 8698, based on a finding that a significant number of homeless people in Los Angeles are without the ability to obtain shelter, resulting in a threat to their health and safety, and the homeless population continues to grow. In order to address the threat to the health and safety of the homeless there must be an increase in the number of shelters available to the homeless to find refuge. For all of these reasons, this ordinance shall become effective upon publication pursuant to Section 253 of the Los Angeles City Charter.

FINDINGS

General Plan/Charter Findings

City Charter Section 556

In accordance with Charter Section 556, the proposed ordinance is in substantial conformance with the purpose, intent and provisions of the General Plan in that it would facilitate the provision of emergency shelters for persons experiencing homelessness in a timely manner to help alleviate hardship and potential threats to their health and safety that may occur as a result of the shelter crisis.

The City's General Plan includes an overarching goal of preventing and ending homelessness, as well as a number of related objectives and policies around the provision of short-term emergency housing. Specifically, the proposed ordinance is consistent with, and helps to further accomplish the following goals, objectives and policies of the General Plan as set forth below.

General Plan Framework Element

GOAL 4A – An equitable distribution of housing opportunities by type and cost accessible to all residents of the City.

Objective 4.4 – Reduce regulatory and procedural barriers to increase housing production and capacity in appropriate locations.

Housing Element

GOAL 4 – A City committed to preventing and ending homelessness.

Objective 4.1 – Provide an adequate supply of short-term and permanent housing and services throughout the City that are appropriate and meet the specific needs of all persons who are homeless or at risk of homelessness.

Policy 4.1.1 – Ensure an adequate supply of emergency and temporary housing for people who are homeless or are at a risk of becoming homeless, including people with disabilities.

Policy 4.1.5 – Plan for emergency housing needs that will result from natural or man-made disasters.

The proposed ordinance meets the intent and purposes of the General Plan in that it clearly reduces regulatory and procedural barriers to the operation and placement of shelters for the homeless when a shelter crisis is declared. The proposed ordinance will provide greater alignment between local zoning code regulations for emergency shelters, and the applicable provisions of State Law, thereby providing for greater certainty for providers who partner with the City to open

and operate emergency shelters. By aligning procedures with state law, the proposed ordinance will help ensure that an adequate supply of emergency and short-term housing can be established for people who are homeless or at risk of experiencing homelessness.

City Charter Section 558(b)(2)

In accordance with Charter Section 558(b)(2), the adoption of the proposed ordinance would be in conformity with public necessity, convenience, general welfare and good zoning practice because its measures are needed to ensure adequate emergency shelters can be established during a shelter crisis when quick action is needed most.

Urgency Clause Findings

The City finds and declares that this ordinance is required for the immediate protection of the public peace, health, and safety for the following reasons: The measures contained in the ordinance are designed to protect those without shelter from the life-threatening impacts related to homelessness, including but not limited to exposure to extreme temperatures, weather conditions, and communicable diseases. The City of Los Angeles is already in the midst of a shelter crisis, with the City Council having formally declared a shelter crisis under California Government Code Section 8698, based on a finding that a significant number of homeless people in Los Angeles are without the ability to obtain shelter, resulting in a threat to their health and safety, and the homeless population continues to grow. In order to address the threat to the health and safety of the homeless there must be an increase in the number of shelters available to the homeless to find refuge.

The proposed ordinance will provide greater alignment between local zoning code regulations for emergency shelters, and the applicable provisions of State Law, thereby providing for greater certainty for providers who partner with the City to open and operate emergency shelters. By aligning procedures with state law, the proposed ordinance will help ensure that an adequate supply of emergency and short-term housing can be established for people who are homeless or at risk of experiencing homelessness.

For all of these reasons, this ordinance shall become effective upon publication pursuant to Section 253 of the Los Angeles City Charter.

CEQA Findings

Pursuant to Section 21080(b)(4) of the Public Resources Code and California Environmental Quality Act (CEQA) Guidelines Sections 15061(b)(3) and 15269, the adoption of the proposed ordinance amending LAMC Sections 12.80 and 12.81 is exempt from CEQA.

CEQA Guidelines Section 15061(b)(3)

Adoption of the proposed ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the project may have a significant effect on the environment.

CEQA Guidelines Section 15061(b)(3) provides that a project is exempt from CEQA if: “The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.”

The proposed ordinance does not involve any activities that will directly or indirectly alter the environment from its current conditions. The proposed amendments to LAMC Sections 12.80 and 12.81 are procedural and technical in nature, and will ensure that local regulations align with the applicable provisions of State law. There is no potential that the proposed ordinance will result in the creation of additional emergency shelters, as it does not make any changes to existing allowances for emergency shelters. The anticipated result of the proposed ordinance is that temporary emergency shelters will continue to be able to be established, and would not result in any direct or indirect impact to the environment. The provisions will continue to only apply during a declared shelter crisis emergency pursuant to state law. A shelter crisis may be revoked by the Mayor or City Council at any time.

PRC Section 21080(b)(4) and CEQA Guidelines Section 15269 (Emergency Projects)

Additionally, approval of the project is exempt from CEQA pursuant to Public Resources Code Section 21080(b)(4) and CEQA Guidelines Section 15269, which provide that emergency projects are exempt from the requirements of CEQA. In particular, this exemption provides that specific actions necessary to prevent or mitigate an emergency are exempt from CEQA.

While it is clear that the proposed ordinance will not have any significant effect on the environment, it is additionally clear that any changes that may occur would only occur during times of extreme need for housing, upon declaration of a shelter crisis emergency pursuant to Government Code Section 8698 et seq. Any potential impacts from the proposed amendments to LAMC Sections 12.80 and 12.81 would therefore be temporary in nature and necessary to mitigate an emergency shelter crisis in the City of Los Angeles.

Therefore, on the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that the adoption of the proposed ordinance is exempt from CEQA. The analysis reflects the lead agency’s independent judgment and analysis. The records upon which this decision is based are with the Planning Department in Room 750, 200 North Spring Street in Los Angeles, California.