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February 10, 2017

Los Angeles City Council
c/o Office of the City Clerk
City Hall, Room 395
Los Angeles, California 90012

Attention: PLUM Committee

Dear Honorable Members:

**REPORT BACK RELATIVE TO POTENTIAL AMENDMENTS TO DRAFT ORDINANCES
AMENDING LOS ANGELES MUNICIPAL CODE SECTION 12.03, 12.80 AND 12.81 TO
EXPAND AND CORRECT THE DEFINITION OF "SHELTER FOR THE HOMELESS" AND TO
ALIGN THE CITY'S SHELTER CRISIS REGULATIONS WITH STATE LAW - COUNCIL FILE
15-1138-S6**

Summary

As requested by the City Council, the City Attorney's Office has prepared a draft ordinance to amend the definition of "shelter for the homeless" in Section 12.03 of the Los Angeles Municipal Code (LAMC) to expand the definition to include more types of facilities and providers. The draft ordinance would also amend Sections 12.80 and 12.81 of the LAMC to streamline the process for a declaration by the Mayor or the City Council of a shelter crisis and to allow the swift establishment of temporary homeless shelters on public and private property in response to that declaration.

During the November 29, 2016 meeting of the Planning and Land Use Management (PLUM) Committee, the City Attorney was directed to incorporate a number of amendments to the proposed ordinance, and the Department of City Planning (DCP) was asked to report back on the feasibility of including zones, outside of those identified in Section 12.81, where additional discretionary review may be appropriate for emergency shelters operated by non-profit charitable organizations. This report details possible amendments in response to this specific request.

Options for Possible Amendments to Proposed 12.81 Ordinance

Currently, Emergency Shelters for the Homeless operated by a non-profit, charitable organization are permitted in the R3, RAS3, R4, RAS4, R5, C2, C4, C5, CM, M1, M2, and M3 Zones. This may be limiting, as faith-based or other non-profit institutions wishing to operate an emergency shelter are often located in other zones, including R1, RD1.5 and C1 zones, as demonstrated in the

attachment. The Department of City Planning has identified options for potential amendments to the proposed ordinance which could remedy this issue, enumerated below:

1. Allow shelters in R1 and less restrictive zones upon discretionary DCP approval, provided the shelter will be operated by a faith-based or non-profit institution on the site of the institution. The approval could be through a discretionary process such as a Conditional Use Permit (CUP), which could include the application of development standards and other "good neighbor" protections to minimize impacts on surrounding neighborhoods.

This amendment would entail the most minimal change, as it would preserve a greater amount of discretionary control in authorizing which sites in other zones would be able to operate as an emergency shelter. However, it would place a burden on the applicant, and would slow down the approval process for projects which are meant to be only temporary in nature (during the one-year declaration of a Shelter Crisis and subject to annual renewal) and responsive to a homeless crisis. The Conditional Use process would trigger CEQA review, as well as allow for public input and the imposition of conditions of approval.

2. Allow shelters in R1 and less restrictive zones upon ministerial DCP approval, if operated by a faith based or non-profit institution on the site of the institution. The approval could be through a Public Benefit (PB) process under LAMC Section 14.00, which provides an administrative clearance procedure, and include the application of a checklist of performance standards such as distance requirements and other "good neighbor" protections such as buffering, noise, and security.

This amendment would preserve control, but minimize the potential risk of seeking a discretionary planning entitlement. The PB option is an administrative approval process for projects meeting certain performance standards. To participate in the PB process, an applicant would submit a simple application to DCP, which staff would use to verify that the project conforms to a list of ministerial performance standards or alternative compliance measures. This would allow projects to move more quickly with more certainty, while also retaining the ability to apply common sense standards to reduce potential impact on the surrounding neighborhood. As such, it would be much faster for a provider wishing to operate an emergency shelter on a site located in an R1 or other less restrictive zone to receive the necessary Planning approvals.

3. Allow shelters containing not more than 30 beds in R1 and less restrictive zones upon ministerial DCP approval, and shelters containing 30 or more beds in R1 and less restrictive zones upon discretionary DCP approval, provided the shelter will be operated by a faith-based or non-profit institution on the site of the institution. The approval process for shelters containing less than 30 beds could be through a Public Benefit (PB) process, as described in Option Two, while the approval process for shelters containing 30 or more beds could be through a Conditional Use Permit (CUP) process as described in Option One.

This amendment would seek to strike a balance between the two approaches. It would allow smaller projects to move more quickly through the Planning approval process, while larger projects with greater potential for impact on the surrounding neighborhood would be subject to discretionary review and a public hearing. Currently, LAMC Section 14.00 A.8 provides a by-right PB approval process for shelters containing not more than 30 beds if they are located in the R3, M1, M2 and M3 Zones. This option would expand the allowable zones for emergency shelters of a similar scale, upon declaration of a Shelter Crisis.

The Department of City Planning is ready to begin work on this topic, with input from the City Council. As a next step, DCP will prepare the draft ordinance, hold a public hearing and bring the

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item to City Planning Commission, before returning the item to City Council for further consideration.

If you have any questions, please contact Matthew Glesne, Citywide Policy Planning Division, Department of City Planning, at (213) 978-2666 or at matthew.glesne@lacity.org.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning

A handwritten signature in blue ink, appearing to read "K. J. Keller", is positioned below the typed name of Kevin J. Keller.

KEVIN J. KELLER, AICP
Deputy Director

Table 1. Locations of Faith-Based Institutions by Zone Class and Eligibility Under LAMC 12.81

Zone Class	Number of Institutions	Currently Allowed under 12.81	Additional Potentially Allowed with Planning Approval
OS	2	No	No
A1	18	No	No
A2	36	No	No
RA	140	No	No
RE40	5	No	No
RE15	6	No	No
RE11	9	No	No
RE9	13	No	No
RS	21	No	No
R1	229	No	Yes
R2	140	No	Yes
RD1.5	150	No	Yes
RD2	101	No	Yes
RD3	20	No	Yes
RD4	2	No	Yes
RD5	4	No	Yes
R3	180	Yes	No Change
RAS3	2	Yes	No Change
R4	282	Yes	No Change
R5	13	Yes	No Change
CR	12	No	Yes
C1	14	No	Yes
C1.5	11	No	Yes
C2	549	Yes	No Change
C4	57	Yes	No Change
CM	25	Yes	No Change
CW	3	No	Yes
MR1	4	No	Yes
M1	30	Yes	No Change
MR2	4	No	Yes
M2	10	Yes	No Change
M3	2	Yes	No Change
P	8	No	Yes
PF	3	No	Yes
USC-1A	1	No	Yes
UV(CA)	2	No	Yes
WC	1	No	Yes
TOTAL	2,109	1,150	709