



DEPARTMENT OF CITY PLANNING RECOMMENDATION REPORT

City Planning Commission

Case Nos.: CPC-2016-11-CA
CPC-2016-12-CA
CEQA No.: N/A
Location: Citywide
Council No.: 15-1138
Council: Citywide
District: All
Plan Area:

Date: February 11, 2016
Time: 8:30 a.m.
Place: Board of Public Works, Rm. 350
City Hall – 200 N. Spring Street
Los Angeles, CA 90012


PROPOSED PROJECT:

The proposed Homelessness Emergency ordinances (Exhibits A and B) amend Section 12.03, 12.80, 12.81 and adds Section 12.82 to the Los Angeles Municipal Code (LAMC) for the purpose of more quickly establishing homeless shelters during a shelter crisis. This includes broadening the definition of “shelter for the homeless” to include greater types of facilities and providers as well as better aligning City and State law in order to streamline the process for a Mayoral or City Council declaration of shelter crisis and allow the efficient establishment of temporary homeless emergency shelters in response to that declaration.

RECOMMENDED ACTIONS:

1. **Approve** the proposed ordinances (Exhibit A and B) and recommend their adoption by City Council;
2. **Adopt** the staff report as its report on the subject;
3. **Adopt** the attached Findings; and
4. **Approve and recommend** that the City Council, based on the whole of the administrative record, determine that the ordinance is not a Project pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15378, and/or the ordinance is exempt under California Public Resources Code Sections 21080(b)(4) and 21060.3 and CEQA Guideline Sections 15301, 15303, 15306 and 15332 and that none of the exceptions under 15300.2 apply.


MICHAEL J. LOGRANDE
Director of Planning



Ken Bernstein, Principal City Planner, AICP



Claire Bowin, Senior City Planner



Matthew Glesne, City Planning Associate
(213) 978-2666

TABLE OF CONTENTS

Project Analysis A-1

Project Summary
Background
Proposed Ordinance
Key Issues
Conclusion

Findings F-1

Public Hearing and Communications
General Plan/Charter Findings
CEQA Findings

Exhibits:

- A - Proposed Homeless Emergency Ordinance
- B - Proposed Homeless Emergency in an El Niño Year Ordinance
- C - Los Angeles Fire Department Cold/Wet Weather Shelter Requirements

PROJECT ANALYSIS

PROJECT SUMMARY

The attached ordinances (Exhibit A and B) amend the Los Angeles Municipal Code (LAMC) to streamline provisions regarding the establishment of emergency shelters for the homeless when a shelter crisis has been declared by the Mayor and/or City Council¹. The amendments would allow the City of Los Angeles to exercise the full authority granted to a municipality in declaring a “shelter crisis” under CA Government Code Section 8698 et seq., and thereby more effectively and swiftly allow for the provision of emergency housing when health and safety are at risk. They also update the zoning code definition of Shelter for the Homeless to include any type of facility, including one that includes traditionally non-residential facilities such as trailers or “safe parking” arrangements in private vehicles. The changes reflect direction received from City Council in its November 17, 2015 action pursuant to Council File 15-1138.

Under Section 8698, cities in California are given broad powers to declare a shelter crisis and provide emergency shelter and housing to the homeless. The state law is intended to remove constraints on local governments from providing emergency housing for people in need, specifically on public property. The City’s zoning code (in LAMC Sections 12.80 and 12.81) contains local provisions for establishing and operating temporary emergency shelters for the homeless when a shelter crisis is declared. Included in the City’s code are regulations on shelters that go well beyond state law in establishing an approval process and certain requirements that slow down approvals.

The amendments to LAMC 12.80 and 12.81 (see Exhibit A) streamline the process and remove unnecessary limitations that may prevent the establishment and operation of temporary shelters in a timely manner, per City Council direction. The new LAMC 12.82 would, this El Niño winter season only, allow shelters to be established on private land throughout the City, rather than within a defined set of zones. Both sets of provisions apply only to temporary emergency shelters during a time when a shelter crisis has been declared by the Mayor and/or City Council. Permanent shelters for the homeless have a separate set of regulations that are not being addressed by these ordinances.

BACKGROUND

Los Angeles has the highest number of unsheltered homeless persons in the country. This population faces immense challenges every day. However, with the El Niño winter weather event having arrived, approximately 18,000 individuals in the City of Los Angeles are believed to be unsheltered and therefore at risk of a variety of particularly dangerous conditions. Cold temperatures and rain, combined with the spike in local homelessness, has many concerned about the capacity of winter shelters in the area².

¹ On October 27, 2015 the City Council declared a shelter emergency pursuant to Los Angeles Municipal Code Section 12.81 and approved eight shelters to operate in the City.

² The Winter Shelter Program operated by the Los Angeles Homeless Services Agency (LAHSA) provides temporary shelter from the cold for homeless persons typically from December through February. Because of the rainy weather

Federal funding cuts to emergency shelter programs by the federal government have decreased the number of “sheltered” homeless in Los Angeles County by about 1,000 people in recent years. The recently released report on El Niño planning efforts by the Los Angeles County Civil Grand Jury found a severe lack of shelter beds and/or emergency beds available in Los Angeles County. It recommends that local jurisdictions immediately take steps to amend regulations that block private entities from providing temporary shelter to people without homes. Similarly, the recently released CLA/CAO report on homelessness finds that the City’s emergency shelter programs have fallen short of effectively serving the chronically homeless, as their limited time horizons hamper these individuals from gaining a permanent foothold in housing and alleviating the medical and social problems they face.

Increased attention and resources appear to be coming into place to address the challenge of providing emergency shelters for the homeless. The recently released [CAO/CLA report on a Comprehensive Homeless Strategy](#) provides a blueprint to address homelessness in the short term and long term. One short-term recommendation is to make \$2.1 million available for anticipated costs associated with providing emergency shelters for El Niño related inclement weather. In order for the increased funds and attention to result in additional shelter beds when they are quickly needed during a weather emergency, the City should make changes to the current emergency shelter approval process. The proposed changes would ensure that opening a shelter in an emergency will be a relatively quick and easy process for any organization that would like to do so.

The impetus for these ordinances is a September 22, 2015 City Council [motion](#) presented by Councilmembers Cedillo and Bonin (CF 15-1138). Recognizing that the City of Los Angeles has an unprecedented and growing homelessness crisis and given the El Niño precipitation event forecast to hit the City this winter, the motion cited the broad powers afforded to local governments to address this problem and declared that the City is not fully using them.

A November 13, 2015 [report](#) by the Office of City Attorney largely agreed with the assessment that the City could do more to facilitate the approval and operation of temporary emergency shelters using the declaration of a shelter crisis pursuant to state law. It laid out the benefits afforded towards emergency shelters when a shelter crisis is declared under CA Govt. Code Sec 8696 and showed how the City’s zoning code sections could be amended to reflect the full authority granted to the City by the state.

On November 17, 2015, the City Council voted to request the City Attorney’s office to prepare and present an ordinance that would “maximize the City’s authority to provide for temporary shelter pursuant to the declaration of a shelter crisis.” The attached ordinances were prepared by the Office of City Attorney with this direction.

expected throughout the El Niño storm season, on September 22, 2015, Council adopted a motion (Council File 12-1690-S4) to expand the winter shelter program two months in order to operate from November 1, 2015 through March 31, 2016 (24 hours a day), and to instruct staff to identify additional funding requirements. In addition, LAHSA has readied approximately 440 Winter “Surge” Beds, on top of the City’s already existing (861) Winter Shelter Program beds, for operation in the case of an adverse weather incident.

PROPOSED ORDINANCES

The City Attorney's Office, in consultation with the Department of City Planning, is bringing forward a series of code amendments contained in two separate ordinances. This was done because the second ordinance only deals with this winter's El Niño weather event.

The inefficiencies and extra layers of bureaucracy contained in the current code regarding temporary emergency shelters for the homeless have been detailed below. The proposed ordinances would allow the City of Los Angeles to take full advantage of its emergency authority to provide shelter to those whose lives and health are at risk by living on the streets.

LAMC Section 12.03. Definitions. Shelter for the Homeless

The definition of "shelter for the homeless" is important because any facility or provider aiming to house the homeless must fit within its parameters. Currently, the definition of "shelter for the homeless" in LAMC Section 12.03 is limited to a "residential facility operated by a 'provider'". A "provider" is limited to "...a government agency or private non-profit organization..."

The amendment would remove the reference to "residential facility" from the definition, which would allow for typically non-residential spaces such as parking lots or trailers to be used within the confines of a shelter facility. It would also expand the meaning of "provider" to include religious institutions, as well as non-profit, charitable organizations. Today's definition needlessly limits groups that can establish a shelter and the types of facilities they can operate in an emergency. The amendment would widen the scope of what is considered a shelter to remedy this issue.

Finally, the definition of a "shelter for the homeless" would remove some references to state codes that have since been changed or removed. These include Part 1, Chapter F of the California Administrative Code, which no longer exists. The health and safety regulations for shelters can now be found in various state regulations. The amendment would replace these references with a more general statement that the shelter be certified by the Housing and Community Investment Department of the City of Los Angeles to meet all health and safety regulations.

LAMC Section 12.80. Homeless Shelters - Emergencies - Government Owned and Leased Property

LAMC Section 12.80 currently allows the establishment of temporary shelters on property owned or leased by a government agency when a shelter crisis is declared under Government Code Sections 8698, et seq. However, in adopting its ordinance the City established standards of approval more onerous than would otherwise be imposed on emergency shelters under state law. As currently written, Section 12.80 only allows emergency shelters to operate in public facilities for no more than 120 days between November 1 and March 31, and imposes notice and hearing requirements in excess of

the Brown Act's seventy-two hour notice requirements. Additionally, Section 12.80 requires Council to approve of each location where temporary shelters will be located through a special process, despite the body being in recess for three weeks during the beginning of the critical winter storm season. This almost resulted in the failure to act on approving a shelter in Highland Park before the winter recess in December. It should also be noted that the City Council approval is in addition to approvals required by other City agencies like the Department of Building and Safety, Fire Department, Los Angeles Homeless Services Agency and Housing and Community Investment Department (HCID) under LAMC Section 91.8605.

State law does not restrict the declaration of a shelter crisis to a limited period of time or impose any specific notice, hearing or location approval requirements on local legislative bodies. Therefore, LAMC Section 12.80 could be amended to reflect the full authority granted to the City by the state as written in Exhibit A.

LAMC Section 12.81. Homeless Shelters - Emergencies - Charitable Organizations

LAMC Section 12.81 currently applies the declaration of a shelter crisis to private property throughout the City. As currently written, Section 12.81 is similar to Section 12.80 in that it limits the operation of emergency shelters on sites (owned or leased by non-profit, charitable organizations) to no more than 120 days between November 1 and March 31. Section 12.81 also imposes notice and hearing requirements in excess of the Brown Act's requirements. Moreover, it requires the Council to specifically authorize, by resolution and accompanied by a series of findings, the establishment and operation of each shelter established pursuant to this regulation. Lastly, Section 12.81 requires interested organizations to submit an application to HCID to operate a shelter prior to the requisite public hearing. Section 12.81 can be amended to allow its authorization to take effect more quickly in the event of a shelter crisis, without seasonal constraints or unnecessary procedure, as written in Exhibit A.

With these amendments, LAMC Sections 12.80 and 12.81 could provide virtually the same process for homeless shelters on public and private sites under a declaration of shelter crisis.

KEY ISSUES

The following issues are believed to be worthy of further discussion:

1. Protection of Health and Safety

The ordinances are designed to address the threat the health and safety of the most vulnerable residents in the City of Los Angeles - those living without shelter. State law enabling the declaration of a shelter crisis states that local regulations prescribing standards of housing, health, or safety "shall be suspended to the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis." However, in place of such standards, local governments are permitted to enact health and safety standards to be operative during the housing emergency consistent with ensuring minimal public health and safety.

The City of Los Angeles Municipal Code includes a section (91.8625) that directly addresses health and safety requirements in emergency shelters operated under the subject shelter crisis provisions. Among other things, it addresses occupancy loads, fire safety requirements, security, light, heating and ventilation as well as operating procedures and times of operation. In addition, the Fire Department has put together a set of emergency shelter requirements intended to ensure a basic level of health and safety standards. They are contained in a document titled "Los Angeles Fire Department Cold/Wet Weather Shelter Requirements" (Exhibit D). It prescribes flexible, basic standards around occupancy load, a 24-hour fire watch, fire alarm sounding devices, fire extinguishers, smoke detectors, emergency lighting, two exits, exit signs and requirements for cooking facilities. Together, the existing review procedures by the Department of Building and Safety and Fire Department ensure that minimum standards to protect health and safety of shelter residents and neighbors is followed.

2. Removing Time Limits on Emergency Shelters

The amendments to LAMC 12.80 and 12.81 would remove explicit time limits on the operation of what are meant to be emergency shelters for the homeless. Currently these shelters are permitted to operate only for a maximum of 120 days during the months of November through March. As stated previously, the state law authorizing a declaration of a shelter crisis, does not prescribe any specific time limits to the declaration. The only requirement is that there exists a "duly proclaimed existence of a situation in which a significant number of persons are without the ability to obtain shelters, resulting in a threat to their health and safety." While there appears to be an implicit assumption in the law that any shelter crisis should not last forever, there is no language that would appear to limit a crisis from being ongoing as long as a large number of people in a locality remain without housing. Therefore, the seasonal 120 day time limit may be deleted from the LAMC.

Still, it seems understandable that emergency shelters for the homeless established under the provisions of 12.80 and 12.81 not become permanent in nature. There are other procedures in the code to deal with permanent shelters that are more appropriate for this type of long-term use. The City Council will retain the authority to declare the end of a shelter crisis, which will have the effect of ending the provision of shelters established under this section. Also, it should be noted that all the emergency shelters known to be operating in the City of Los Angeles are funded by LAHSA's Winter Shelter Program. The program proscribes time limits on the funding for each shelter. This will likely be the major factor limiting the time emergency shelters are able to operate.

3. Public Notification to Establish an Emergency Shelter

The general policy of the Department of City Planning is to notify community members when a land use is being proposed that is not typically permitted in their neighborhood. This is currently the case with emergency shelters established under LAMC 12.80 and 12.81. A seven day notification of abutting property owners is required under both sections, while shelters established on private property require publication of a notice in a local newspaper at least ten days prior to approval. This means that mail notices must

be sent at least ten days prior to any Council Action and ads must be placed in newspapers up to 14 days in advance. The result is that the process creates delay in the ability to approve emergency shelters in times of need. As previously mentioned, the state law that establishes the ability of cities to declare a shelter crisis does not require any public notification or hearing process to establish shelters under that provision. The proposed changes reflect a desire expressed by the City Council to expedite the establishment of emergency shelters in times of crisis, when the health and safety of Los Angeles' most vulnerable residents are at significant risk.

4. Citywide Application During 2016 El Niño Season

The second ordinance (Exhibit B) would apply only to the 2016 El Niño season and be limited to 120 days from adoption of the ordinance. It would introduce a new section of the LAMC (12.82) which would allow for the establishment of emergency shelters on privately owned or leased property in any part of the City, as opposed to the limitation to certain zones today (R3, RAS3, R4, RAS4, R5, C2, C4, C5, CM, M1, M2, and M3 Zones). The ordinance is intended to allow for maximum flexibility during what is forecast to be one of the most powerful storm seasons ever recorded in Southern California. One example that has been cited as reason for the change, are the many places of worship that exist in single-family neighborhoods.

This ordinance can be thought of as a pilot program. Any shelters established under these provisions will be capped at 120 days of operation, for the 2015 winter/spring season year only. As such, the land use would only be temporary, for less than half of the year. The *primary use* of any shelter structure approved under this new section would therefore remain in line with the underlying zoning.

CONCLUSION

Ending and preventing homelessness is one of the City's highest priorities and work is occurring on multiple levels across the City and County to address the many related issues. The vision for Los Angeles is to see every homeless individual and family housed by preventing them from becoming homeless and by rapidly rehousing those who do fall into homelessness. Permanent housing coupled with supportive services is central to combating homelessness. However, the City's comprehensive approach recognizes the need to provide sufficient temporary and emergency shelters to meet short-term needs while working toward a rapid return to more stable housing or permanent supportive housing over the longer-term.

Additional resources for emergency shelters are being made available for anticipated costs associated with El Niño related inclement weather shelters. This ordinance will ensure that, when an emergency hits, shelters will be able to open and operate without any major planning or zoning constraints with the use of land for that purpose. Quick action may make the difference between a tragedy and one that is averted by ensuring enough shelter space exists to meet the demand.

PUBLIC HEARING AND COMMUNICATIONS

The proposed ordinances include an Urgency Clause drafted by the Office of the City Attorney, which finds and declares that the ordinances are required for the immediate protection of the public peace, health, and safety of citizens of Los Angeles. The Department of City Planning agrees that timing is critically important in this matter given the current shelter crisis and immediate public safety threat posed by El Nino, and therefore could not utilize its normal informal public participation policy, which includes a separate staff public hearing and a minimum 60 day window for public comments between ordinance release and City Planning Commission. Therefore, the normal amount of public participation and communications with the public has not occurred. The ordinance will, however, meet the regulations for amending the zoning code prescribed in LAMC 12.32, including publication of a hearing notice in a newspaper of general circulation in the City 24 days prior to the date of the hearing. The notice was published on

Nevertheless, public input has been received and (reviewed by the Department) through the public City Council process that called for the creation of the ordinance. Public testimony occurred most notably at the October 17, 2015 joint meeting of the City Council's Homeless and Poverty Committee and Housing Committee and the November 17, 2015 meeting of the full City Council. The public comments received were generally supportive of the need to expedite the development of temporary emergency shelters and remove unnecessary barriers. Likely issues of controversy were identified and discussed under the Key Issues section above.

FINDINGS

GENERAL PLAN/CHARTER FINDINGS

In accordance with Charter Section 556, the proposed ordinance is in substantial conformance with the purposes, intent and provisions of the General Plan in that it would facilitate the provision of emergency shelters for the homeless in a timely manner to help alleviate hardship and alleviate potential tragic situations that are at risk of occurring throughout the City as a result of inclement weather and 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 and planning for natural disasters. The proposed code amendment ordinance is consistent with, and helps to further accomplish the following goals, objectives, and policies of the General Plan Framework as set forth below.

General Plan Framework

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.

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.

Policy 4.1.6 Provide housing facilities and supportive services for the homeless and special needs populations throughout the City, and reduce zoning and other regulatory barriers to their placement and operation in appropriate locations.

The proposed ordinances will meet the intent and purposes of the General Plan in that they clearly reduce regulatory and procedural barriers to the operation and placement of shelters for the homeless when a shelter crisis is declared. They allow for faster provision of emergency housing, which aids in the ability to plan for and cope with natural disasters. By removing unnecessary bureaucratic hurdles, the ordinances help ensure that an adequate supply of emergency and short-term housing for people who are homeless or at risk of being homeless.

In accordance with Charter Section 558(b)(2), the adoption of the proposed emergency shelter 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.

In accordance with Charter Section 559, and in order to ensure the timely processing of this ordinance, the City Planning Commission authorizes the Director of Planning to approve or disapprove for the Commission any modification to the subject ordinance as deemed necessary by Los Angeles Homeless Services Agency (LAHSA) or the City Attorney's Office. In exercising that authority, the Director must make the same findings as would have been required for the City Planning Commission to act on the same matter. The Director's action under this authority shall be subject to the same time limits and shall have the same effect as if the City Planning Commission had acted directly.

CEQA Findings

Pursuant to Sections 21080(b)(4) and 21060.3 of the California Public Resources Code and CEQA Guidelines Section 15304 and 15378, the adoption of two ordinances to address the threat to health and safety posed by this winter's El Niño precipitation event is statutorily exempt from the California Environmental Quality Act (CEQA). This is because the project has no direct or reasonably foreseeable indirect environmental

impact and is also a specific action necessary to prevent or mitigate an emergency pursuant to Section 21080(b)(4).

Specific actions intended to address clear and imminent threats to public health and safety and which demand immediate action are exempt from CEQA under an exemption for emergency projects, pursuant to PRC Section 218080(b(4)). The high probability of dangerous El Nino storms this winter poses a specific threat to the health and safety of thousands of Los Angeles homeless individuals living in hillside encampments, dwelling in floor channels and exposed to the elements on the streets.³

The proposed amendments to LAMC 12.80 and 12.81 would change the approval process to establish and operate emergency shelters for the homeless during a declared shelter crisis, as described above. The changes are largely procedural and technical in nature, with the exception of removing the seasonal time limits on emergency shelters. The anticipated result is that temporary emergency shelters may be established more quickly and that shelters may operate for a longer period of time in case of emergency, but it does not involve any activities that will directly alter the environment from its base conditions today. No new permanent construction is anticipated as a result of the ordinance, nor does the ordinance create any permanent change to density or permitted uses. The provisions would 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 and is likely to remain in force only through winter months, particularly in non El Nino years. Any significant changes on the ground, therefore, would largely only occur during times of a weather emergency like El Nino. Any potential impacts from the changes to 12.80 and 12.81 would be temporary in nature and necessary to mitigate an emergency shelter crisis that exists in the City.

The amendment to the definition of “shelter for the homeless” in LAMC 12.03 is largely technical in nature and will not result in a change to the environment. For example, the amendment would add clarifying language about the meaning of a homeless shelter “provider” to reduce confusion about who is able to operate an emergency shelter. However, the change will not meaningfully expand operators beyond the (existing) purview of non-profit organizations. For example, while “religious institutions” will be added to the definition of “providers” religious institutions already operate emergency shelters pursuant to this code section. Similarly, the definition would remove some references to state codes that have since been changed or removed, and instead refer to the need to meet all applicable health and safety codes. This change does not materially impact the establishment or operation of shelters. Finally, the amendment to 12.03 would remove the word “residential” from the type of facility to be used as part of a shelter. Residential simply refers to a structure fit for human habitation. Since LAMC 91.8605 already lays out the habitability requirements that apply to emergency homeless shelters operated during a shelter crisis, this phrase is redundant and subject to confusion. The Department considers this removal a minor clarification that does not reflect a change from current law and therefore will not impact the environment.

³ One resident of skid row downtown as already died as a result of wet and cold weather exposure this winter season. During the prior El Nino even, at least 17 storm related deaths occurred across the state.

Finally, the new LAMC section 12.82 applies only during the current El Nino storm season. Therefore, it clearly is a specific action necessary to prevent or mitigate an emergency pursuant to Section 21080(b)(4).

On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that there is no substantial evidence that the proposed project will have a significant effect on the environment. 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 667, 200 North Spring Street.

ORDINANCE NO. _____

An ordinance adding Section 12.82 to Article 2 of Chapter 1 of the Los Angeles Municipal Code to allow the operation and establishment of temporary emergency shelters for the homeless throughout the City for the duration of the 2016 El Niño precipitation cycle.

WHEREAS, the National Weather Service has confirmed that the winter of 2015-2016 will present one of the most powerful El Niño cycles ever recorded; and

WHEREAS, as a result of this El Niño cycle the City of Los Angeles will experience heavy rainfall well into the early spring of 2016; and

WHEREAS, the El Niño cycle of 1997-1998 brought tremendous rainfall to Los Angeles, during which there was significant loss of human life and property damage; and

WHEREAS, the City of Los Angeles has 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

WHEREAS, the threat to the health and safety of the homeless population in Los Angeles is further exacerbated by the torrential rain that is anticipated with the commencement of El Niño's precipitation cycle; and

WHEREAS, 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 from the rain.

NOW, THEREFORE,

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

Section 1. Section 12.82 is added to Article 2 of Chapter 1 of the Los Angeles Municipal Code to read as follows:

SEC. 12.82. HOMELESS SHELTERS – EMERGENCIES – EL NIÑO 2016.

A. Notwithstanding any provisions of this article to the contrary, during the period not totaling more than 120 days from the effective date of this ordinance, a shelter for the homeless may be established and operated in any zone of the City without regard to the number of beds or number of persons served, if the shelter is located on property owned or leased by the provider. 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.

B. For the purposes of this section only, a shelter for the homeless means a facility operated by a **“provider,”** other than a **“community care facility”** as defined in the California Health and Safety Code Section 1502, which provides temporary accommodations to homeless persons and/or families and which meets the state’s standards for shelters. The term **“temporary accommodations”** means that a homeless person or family will be allowed to reside at the shelter for a time period not to exceed 120 days from the effective date of this ordinance. For the purpose of this section, a **“provider”** shall mean a government agency, religious institution, non-profit charitable organization, or private non-profit organization which provides, or contracts with recognized community organizations to provide, emergency or temporary shelter for the homeless, and which meets all applicable state health and safety requirements.

Sec. 2. **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 of the inclement weather brought on by the 2015-2016 weather phenomenon known as El Niño. Weather experts confirm that the winter of 2015-2016 will present one of the most powerful El Niño cycles ever recorded, and as a result of this El Niño cycle the City of Los Angeles will experience heavy rainfall well into the early spring of 2016. The El Niño cycle of 1997-1998 brought tremendous rainfall to Los Angeles, during which there was significant loss of human life and property damage. 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. Based on the City’s previous experience with El Niño, and understanding the magnitude of this season’s El Niño pattern, the threat to the health and safety of the homeless population in Los Angeles will be further exacerbated by the torrential rain that is anticipated with the commencement of El Niño’s precipitation cycle. 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 from the rain. For all of these reasons, the El Niño 2016 Emergency Homeless Shelter Ordinance shall become effective upon publication pursuant to Section 253 of the Los Angeles City Charter.

Sec. 3. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than three-fourths** of all its members, at its meeting of _____.

HOLLY L. WOLCOTT, City Clerk

By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By _____
ADRIENNE S. KHORASANEE
Deputy City Attorney

Date _____

File No. _____

ORDINANCE NO. _____

An ordinance amending Section 12.03 of the Los Angeles Municipal Code to expand the definition of "Shelter for the Homeless" to include more types of facilities and providers and to delete references within that definition to obsolete state code regulations; and amending Sections 12.80 and 12.81 of the Los Angeles Municipal Code to align the City's regulations with state law in order to streamline the process for a declaration by the Mayor or City Council of a shelter crisis and allow the swift establishment of temporary homeless shelters on public and private property in response to that declaration.

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

Section 1. Section 12.03 of Article 2 of Chapter 1 of the Los Angeles Municipal Code is amended to replace the definition of "Shelter for the Homeless" in its entirety as follows:

SHELTER FOR THE HOMELESS. A facility operated by a "provider," other than a "community care facility" as defined in the California Health and Safety Code Section 1502, which provides temporary accommodations to homeless persons and/or families and which meets the state's standards for shelters. The term "**temporary accommodations**" means that a homeless person or family will be allowed to reside at the shelter for a time period not to exceed six months. For the purpose of this definition, a "**provider**" shall mean a government agency, religious institution, non-profit charitable organization, or private non-profit organization which provides, or contracts with recognized community organizations to provide, emergency or temporary shelter for the homeless, and which has been certified by the Housing and Community Investment Department of the City of Los Angeles to meet all applicable state health and safety requirements.

Sec. 2. 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 a government agency 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.

Sec. 3. 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.

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 located on property owned or leased by the provider. 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.

Sec. 4. **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 City of Los Angeles is 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. Aside from the general threat to health and safety that exists as a result of homelessness, this year presents an additional threat to the health and safety of the City's homeless population due to the weather phenomenon known as El Niño. Weather experts confirm that the winter of 2015-2016 will present one of the most powerful El Niño cycles ever recorded, and as a result of this El Niño cycle the City of Los Angeles will experience heavy rainfall well into the early spring of 2016. The El Niño cycle of 1997-1998 brought tremendous rainfall to Los Angeles, during which there was significant loss of human life and property damage. Based on the City's previous experience with El Niño, and understanding the magnitude of this season's El Niño pattern, the threat to the health and safety of the homeless population in Los Angeles will be further exacerbated by the torrential rain that is anticipated with the commencement of El Niño's precipitation cycle. 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 from the rain. For all of these reasons, the amendments to the Los Angeles Municipal Code Sections 12.03, 12.80 and 12.81 shall become effective upon publication pursuant to Section 253 of the Los Angeles City Charter.

Sec. 5. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than three-fourths** of all its members, at its meeting of _____.

HOLLY L. WOLCOTT, City Clerk

By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By _____
ADRIENNE S. KHORASANEE
Deputy City Attorney

Date _____

File No. _____ CF 15-1138

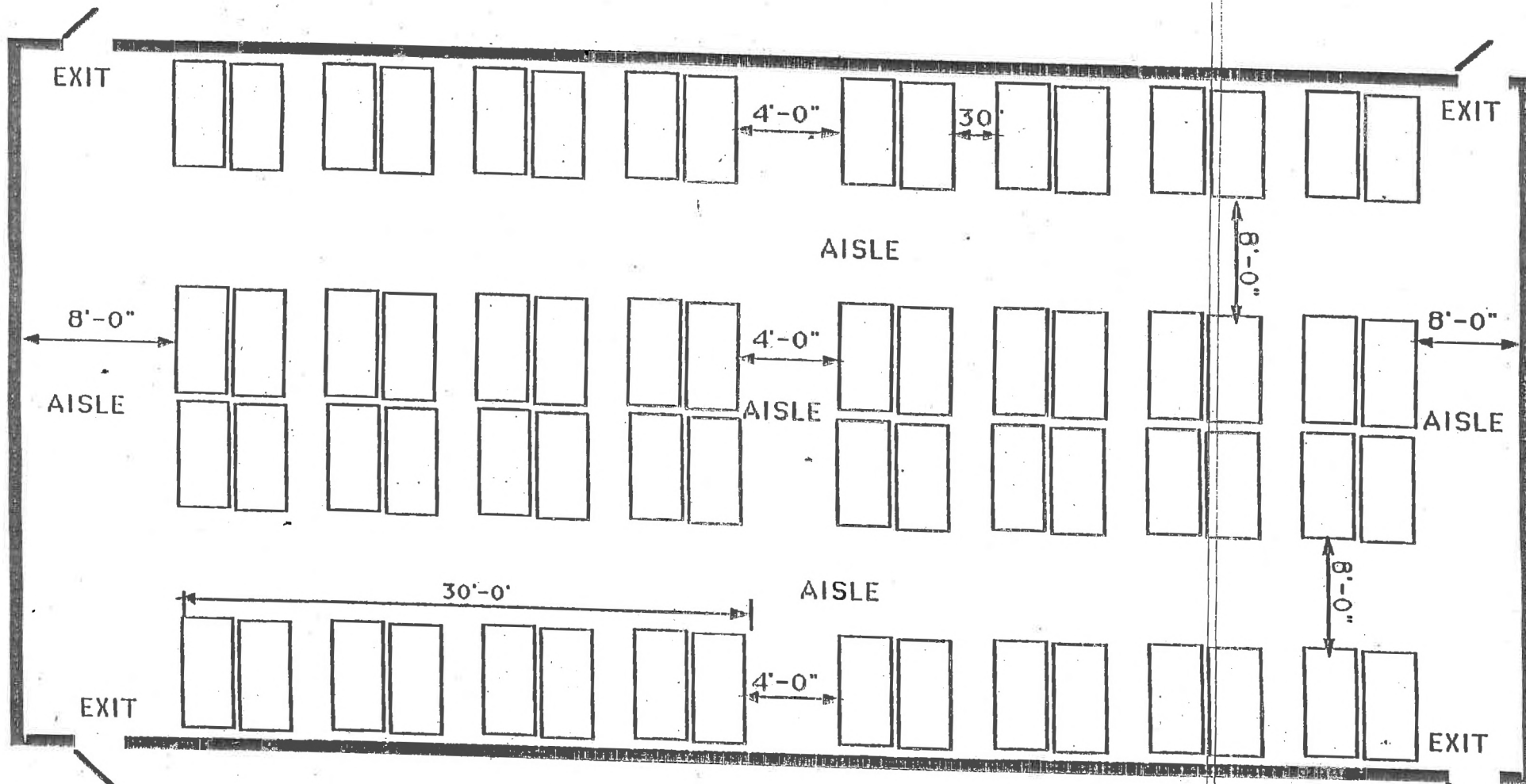
**LOS ANGELES FIRE DEPARTMENT
COLD/WET WEATHER SHELTER REQUIREMENTS**

A cold/wet weather shelter for purposes of these requirements is a temporary shelter operating during the winter months.

1. Occupant load. See attached sample sketch. Intent is for six foot aisles and four foot side aisles. Eight foot aisles are shown expecting that persons will have duffel/storage at end of beds that will take away some of eight foot aisles. Aisles leading to exit doors shall be eight feet wide and unobstructed by any storage material. Final set-up beds to determine by inspection of shelter.
2. Provide a 24-hour fire watch. At time of inspection of facility, Inspector will determine number of persons needed. The intent is that if one person cannot survey all areas of the shelter, then additional persons will be required. Fire watch personnel are dedicated to that task, not serving food or performing other tasks. They have the responsibility for a continuous patrol of the shelter for the purpose of detecting fire or other emergencies and transmitting an immediate alarm to the Fire Department and the occupants.
3. Provide a basic fire alarm sounding device. One pull and a bell in area that fire watch personnel can activate to alert the occupants of a fire or emergency. Inspection to determine necessity based on size of the shelter. A manual device (i.e., whistle or large school bell) may be sufficient.
4. Provide a fire extinguishers, 2A rating, within 75' of travel in every portion of the structure.
5. No temporary partitions or construction with combustible material.
6. Provide smoke detectors. If occupancy has existing hard-wired devices must be operable. Otherwise provide smoke detectors, battery powered acceptable. Number of detectors subject to manufacturer specifications on detector and inspection based on individual structure configuration.
7. Provide emergency lighting. Each room and exit pathways. Can be type that plug into house power.
8. Two exits per floor are required and/or two exits per 50 occupants. Maintain all means of egress free of any storage or other materials that would render egress hazardous in case of an emergency.
9. Provide exit signs, paper or illuminated, subject to inspection. The signs shall bear the word "EXIT" in letters not less than 6 inches high with a $\frac{3}{4}$ " stroke on a sharply contrasting background at all exit doors.
10. If food preparation is to be done on-site, requirements for cooking facilities will be determined on a case by case depending on the occupancy used for the shelter.

These are Fire Department guidelines. Other City agencies should be contacted to comply with requirements or guidelines that they may have in place.

These recommendations should be viewed as providing minimum fire and life safety to occupants being lodged in the proposed temporary shelters. Fire Department inspection is required in every case.



NOTE: 30" BETWEEN BEDS

30'-0" MAX BETWEEN SIDE AISLES

8'-0" FOR MAIN AISLES

4'-0" SIDE AISLES

SAMPLE BED LAYOUT