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CITY ATTORNEY

REPORT NO. R 18 - 0 0 6 3
MAR 0 2 2018

REPORT RE:

**DRAFT ORDINANCE AMENDING SECTIONS 12.03, 12.04.09, 14.00 AND 16.05
OF THE LOS ANGELES MUNICIPAL CODE TO FACILITATE THE PRODUCTION OF
PERMANENT SUPPORTIVE HOUSING**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 17-1422

Honorable Members:

This Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. The draft ordinance amends Sections 12.03, 12.04.09, 14.00 and 16.05 of the Los Angeles Municipal Code (LAMC) to establish a process to facilitate the production of permanent supportive housing.

Background

The Department of City Planning (Department) drafted the proposed ordinance in response to several strategies for providing housing for the homeless identified in the City's Comprehensive Homeless Strategy Report (Report), adopted by the City Council on February 9, 2016. The Report identified the City's existing discretionary land use approval processes as one of the most common barriers to production of Supportive Housing in the City. The draft ordinance streamlines the entitlement and environmental review processes for projects offering supportive housing for persons experiencing

homelessness and addresses the following Report strategies: reform site plan review; establish planning and zoning policy on micro units; and revise parking guidelines.

On December 14, 2017, the City Planning Commission (CPC) considered the draft ordinance. The CPC voted to: adopt the staff report and findings supporting approval of the draft ordinance; recommend approval of the ordinance by the City Council; and recommend exempting an expanded number of Supportive Housing projects from the site plan review process.

On January 17, 2018, the Homelessness and Poverty Committee (HPC) held a public hearing, requested a report back from the Department and the Los Angeles Housing and Community Investment Department (HCID) and continued the item for 30 days.

On February 13, 2018, the Planning and Land Use Management Committee (PLUM) requested the City Attorney to transmit a draft ordinance, approved as to form and legality. PLUM also instructed the Department to include the modifications identified in the Department's February 9, 2018, communication, as well as specialized design standards for projects in RD1.5 zones.

Summary of Ordinance Provisions

The CPC's transmittal report to the City Council dated December 19, 2017 (CPC Transmittal Report) includes the Department's staff report, which provides a detailed description of the LAMC amendments effectuated by the draft ordinance. Key changes include: a new administrative clearance procedure for Qualifying Permanent Supportive Housing Projects in the public benefits section of the Zoning Code; a definition of Qualifying Permanent Supportive Housing Project and requirements for provision of supportive services and the population served; provisions allowing Qualified Permanent Supportive Housing Projects to be constructed and maintained in any multi-family zone; and density bonus and other incentives for Qualifying Permanent Supportive Housing Projects, including modified parking standards. Other important changes include: additional relief from development standards, consistent with State Density Bonus law; performance standards for Qualifying Permanent Supportive Housing Projects, including design standards; amendment to allow joint public-private permanent supportive housing projects in the Public Facilities Zone to use the least restrictive adjacent zone; and amended Site Plan Review thresholds for Qualifying Permanent Supportive Housing Projects.

California Environmental Quality Act (CEQA) Determination

The Department recommends that the City Council adopt Mitigated Negative Declaration, ENV No. ENV-2017-3137-MND (MND), as an adequate environmental clearance. If Council, on the basis of the whole of the record, including any comments

received, finds in its independent judgment that there is no substantial evidence supporting a fair argument that the Permanent Supportive Housing Ordinance will have a significant effect on the environment, including through the imposition of the mitigation measures identified in the Mitigation and Monitoring Program prepared for the MND, the City Council may adopt the MND.

The Department also recommends that the City Council, on behalf of the City as responsible agency, find the Permanent Supportive Housing Ordinance is a subsequent project to SCAG's 2016-2040 RTP/SCS and no major revisions are required to the 2016-2040 RTP/SCS Program EIR (PEIR), SCH No. 2015031035. The Department has prepared an Addendum to the PEIR, dated November 2017, to support that finding. Pursuant to CEQA Guidelines Section 15164, the responsible agency may prepare an addendum to a previously certified EIR if none of the conditions described in Section 15162, calling for the preparation of a subsequent EIR, have occurred. Section 15162 provides that when an EIR has been certified for a project, no subsequent EIR shall be prepared for the project unless the agency approving the project determines, on the basis of substantial evidence, in light of the whole record, that changes to the project or circumstances, or new information will require a major revision of the previous EIR due to the involvement of new significant environmental effects of a substantial increase in the severity or previously identified significant effects. The City Council shall consider the Addendum prepared by the Department and the PEIR and all SCAG addendums prior to making a decision and its findings. The PEIR, including SCAG addendums approving the project and the City Addendum dated November 2017 are included in the Council File.

Charter Findings Required

Charter Section 558(b)(3) requires the Council to make the findings required in Subsection (b)(2) of the same section: namely, whether adoption of the proposed ordinance will be in conformity with public necessity, convenience, general welfare and good zoning practice. Charter Section 558(b)(3)(A) allows the Council to adopt an ordinance conforming to the CPC's recommendation of approval of the ordinance, if the CPC recommends such approval. Similarly, Charter Section 556 requires the Council to make findings showing that the action is in substantial conformance with the purposes, intent and provisions of the General Plan. Council can either adopt the CPC's findings and recommendations or make its own.

Council Rule 38 Referral

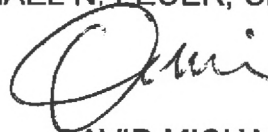
A copy of the draft ordinance has been sent, pursuant to Council Rule 38, to the HCID, Department of Building and Safety, Department of Disability, Los Angeles Police Department, Los Angeles Fire Department and the Bureau of Engineering. We have requested that these departments provide their comments directly to you when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Amy Brothers at (213) 978-8069. She or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By



DAVID MICHAELSON
Chief Assistant City Attorney

DM:AB:gl
Transmittal