

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

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
CPC-2017-3409-CA	ENV-2017-4476-CE ENV-2017-3410-ND	All
PROJECT ADDRESS:		
Citywide		
APPLICANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
City of Los Angeles		
<input type="checkbox"/> New/Changed		
APPLICANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
Cally Hardy	213-978-1643	cally.hardy@lacity.org
APPELLANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
N/A		
APPELLANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
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		

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 _____

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

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NOTES / INSTRUCTION(S):

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:
December 14, 2017	5 - 0
LAST DAY TO APPEAL:	APPEALED:
N/A	
TRANSMITTED BY:	TRANSMITTAL DATE:
Rocky Wiles Commission Office	December 19, 2017



LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 532, Los Angeles, California, 90012-4801, (213) 978-1300

www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: DEC 19 2017

Case No.: **CPC-2017-3409-CA**

Council Districts: All

CEQA: ENV-2017-4476-CE

ENV-2017-3410-ND

Plan Areas: All

Project Site: Citywide

Applicant: City of Los Angeles
Representative: Cally Hardy, Planning Assistant

At its meeting of **December 14, 2017**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the proposed ordinance:

An ordinance amending Sections 12.03, 14.00 and 151.02 of the Los Angeles Municipal Code establishing regulations to facilitate the use of existing hotels and motels for Supportive Housing and/or Transitional Housing.

1. **Determined**, based on the whole of the administrative record, that the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines Section 15300.2 applies;
2. **Approved** and recommend that the City Council **find**, pursuant to CEQA Guidelines Section 15074(b), after consideration of the whole of the administrative record, including the Negative Declaration, No. ENV-2017-3410-ND ("Negative Declaration"), and all comments received, there is no substantial evidence that the project will have a significant effect on the environment; **Find** the Negative Declaration reflects the independent judgment and analysis of the City; and **Adopt** the Negative Declaration;
3. **Adopted** the staff report as the Commission report on the subject;
4. **Approved** and **recommended** that the City Council **adopt** the proposed ordinance, subject to review by the City Attorney as to form and legality; and
5. **Adopted** and **recommended** that the City Council **adopt** the attached Findings.

The vote proceeded as follows:

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

Vote: 5 - 0



James K. Williams, Commission Executive Assistant II
Los Angeles City Planning Commission

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

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: Ken Bernstein, Principal Planner
Arthi Varma, Principal City Planner
Claire Bowin, Senior City Planner
Matthew Glesne, City Planner
Cally Hardy, Planning Assistant

ORDINANCE NO. _____

An ordinance amending Sections 12.03, 14.00 and 151.02 of the Los Angeles Municipal Code establishing regulations to facilitate the use of existing hotels and motels for Supportive Housing and/or Transitional Housing.

WHEREAS, the extreme shortage of housing in the City of Los Angeles has been well documented;

WHEREAS, the housing shortage continues to exacerbate the homelessness crisis, as rates of homelessness increased 20% in the City of Los Angeles from 2016 to 2017;

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;

WHEREAS, the City Council has determined that, to address this crisis, the public interest or necessity demands the improvement of real property to provide supportive housing and transitional housing for extremely low income or very low income individuals and families who are homeless or chronically homeless, which includes facilities from which assistance and services, such as mental health treatment, health care, drug and alcohol treatment, education and job training, may be provided;

WHEREAS, on January 7, 2016, the City of Los Angeles issued a Comprehensive Homeless Strategy Report, which identified more than 60 policy and funding recommendations in addressing homelessness;

WHEREAS, Strategy 7C identified in the Comprehensive Homeless Strategy Report directed the Housing and Community Investment Department and the Department of City Planning to identify opportunities for adaptive reuse of existing private properties in the City of Los Angeles that are capable of being converted to Transitional and Supportive Housing, with special focus on existing high-density structures such as hotels and motels;

WHEREAS, given limited resources and the extreme need for shelter, it is clear that creative, cost-effective strategies are needed to complement the City's plan to address the homeless crisis in the urgent, comprehensive and persistent manner it deserves; and

WHEREAS, the adaptive reuse of hotels and motels presents an opportunity for a cost-effective and expeditious strategy to expand the City's supply of Transitional and Supportive Housing;

NOW, THEREFORE,

THE PEOPLE OF THE CITY OF LOS ANGELES

DO ORDAIN AS FOLLOWS:

Section 1. The following definitions are added to Section 12.03 of the Los Angeles Municipal Code to read:

SUPPORTIVE HOUSING. Housing with no limit on length of stay that is occupied by persons with low incomes who have one or more disabilities and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people. The housing is linked to onsite or offsite Supportive Services, and any onsite Floor Area used for the delivery of Supportive Services shall be considered accessory to the residential use.

TRANSITIONAL HOUSING. A building that is designed to provide housing and Supportive Services to persons with low incomes who have one or more disabilities and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people, to facilitate movement to permanent housing, typically within 24 months.

SUPPORTIVE SERVICES. Services that are provided on a voluntary basis to residents of Supportive Housing and Transitional Housing, including, but not limited to, a combination of subsidized, permanent housing, intensive case management, medical and mental health care, substance abuse treatment, employment services, benefits advocacy, and other services or service referrals necessary to obtain and maintain housing.

Section 2. Subdivision 12 of Subsection A of Section 14.00 of the Los Angeles Municipal Code is added to read as follows:

12. Interim Use of Motels for Supportive Housing or Transitional Housing. The purpose of this subdivision is to facilitate the interim use of dwelling units or guest rooms in existing Hotels, Motels, Apartment Hotels, Transient Occupancy Residential Structures and Hostels as Supportive Housing and/or Transitional Housing. This subdivision is further intended to allow such property to return to its previous use, or any use consistent with the underlying zoning, upon termination of the interim Supportive Housing and/or Transitional Housing use.

- (a) **Interim Motel Housing Project.** An Interim Motel Housing Project is the physical re-purposing or adaptation of an existing Hotel, Motel, Apartment Hotel, Transient Occupancy Residential Structure, or Hostel for the purposes of using such building or buildings for Supportive Housing and/or Transitional Housing. All dwelling units and guest rooms in the project must be used for Supportive Housing and/or Transitional Housing. The Interim Motel Housing Project may not at any point in time result in any additional Floor Area or an expansion of the building footprint or height, nor shall it result in an increase in the total combined number of dwelling

units or guest rooms on the property. Any Floor Area used for onsite Supportive Services shall be considered accessory to the residential use.

- (1) For the purposes of this Section, properties and/or units that are subject to the provisions of LAMC Section 47.70, et seq. (Residential Hotel Ordinance) at the time that an Interim Motel Housing Project application is submitted to the Department of City Planning, shall remain subject to all requirements and restrictions set forth therein both during the contract term to provide Supportive Housing and/or Transitional Housing and thereafter, including, but not limited to, the submission of an Application for Clearance to the Housing and Community Investment Department (HCID). At the conclusion of the contract term, the number of Residential Units at each participating property shall be no greater or less than the number originally determined by HCID pursuant to LAMC Section 47.76 or any subsequent number approved by HCID as part of an Application for Clearance.

(b) Application and Approval.

- (1) The Department of Building and Safety shall review all Interim Motel Housing Projects for zoning compliance described in Paragraph (d) and adherence to the performance standards in Paragraph (e). The Interim Motel Housing Project shall be approved if the application requirements, zoning compliance and performance standards of this subsection are met.
- (2) Prior to issuance of a building permit, the applicant shall provide a copy of an executed contract agreement which demonstrates that the Supportive Housing and/or Transitional Housing use to be provided on-site and associated Supportive Services have received funding from a local public agency, as identified on a list maintained by the Department of City Planning, and is in place and ready to commence operation upon project occupancy.

(c) Termination of Supportive Housing and/or Transitional Housing Contract.

Upon any termination of the Supportive Housing and/or Transitional Housing contract, the Interim Motel Housing Project shall be required, within 90 days, to notify the Department of Building and Safety and to complete one of the following:

- (1) Submit an application to the Department of Building and Safety to return to the previous use for which a Certificate of Occupancy was valid at the time that the Interim Motel Housing Project application was submitted to the Department of City Planning, or to any use permitted by the current zoning regulations; or
- (2) Provide a copy of a new executed contract agreement in accordance with the requirements in Paragraph (b)(2).

(d) Zoning Compliance.

- (1) Interim Motel Housing Projects shall not be subject to any otherwise applicable zoning ordinance and/or specific plan or other overlay district regulations including but not limited to the following:
 - (i) **Minimum Area per Dwelling Unit or Guest Room.** A building, nonconforming as to the area regulations (density) of the underlying zone, may be used for an Interim Motel Housing Project, provided that the conversion does not create any additional dwelling units or guest rooms.
 - (ii) **Off-Street Automobile Parking.** The required number of parking spaces shall be the same as the number of spaces that existed on the site at the time that the Interim Motel Housing Project application was submitted to the Department of Building and Safety, and shall be maintained and not reduced. Interim Motel Housing Projects shall otherwise be exempt from the provisions of Section 12.21 A.4(m) of this Code.
 - (iii) **Use.** Notwithstanding the use provisions of the underlying zoning, an Interim Motel Housing Project shall be permitted.
 - (iv) **Change of Use.** For any change of use of a building or a portion of a building, Section 12.23 B.7 of this Code shall not apply to Interim Motel Housing Projects.
 - (v) **Nonconforming Use of Buildings in Manufacturing Zones.** Notwithstanding the regulations contained in Section 12.23 B.4 of this Code, an Interim Motel Housing Project shall be permitted in M Zones.
 - (vi) **Nonconforming Use in A and R Zones.** The regulations contained in Section 12.23B.2 of this Code shall not disqualify any existing motel from approval as an Interim Motel Housing Project or from returning to a motel use at the termination of the Supportive Housing and/or Transitional Housing contract.
- (2) **Supplementation of Guest Rooms.** For the purposes of this Section, Guest Rooms may be supplemented with cooking facilities including a sink, a refrigerator not exceeding 10 cubic feet, counter space not exceeding 10 square feet, and a hotplate or microwave. Any such supplementation of Guest Rooms shall be permitted to remain at the time that an Interim Motel Housing Project returns to the original use for which a Certificate of Occupancy was valid at the time of application.

- (3) **Preservation of Nonconforming Rights.** Upon termination of the Supportive Housing and/or Transitional Housing use, any building used for an Interim Motel Housing Project that is nonconforming as to area and/or use regulations or any other zoning code requirement or requirements shall be authorized to return to the original use and condition for which a Certificate of Occupancy was valid at the time of application, notwithstanding any physical alterations to the subject property. Any Floor Area used for Supportive Services may be returned to use as guest rooms and/or dwelling units, or may be converted to accessory amenity spaces, so long as the total number of guest rooms and the total number of dwelling units do not exceed the number approved on the previous Certificate of Occupancy.
- (e) **Performance Standards.** The Interim Motel Housing Project shall meet the following performance standards:
- (1) **Supportive Service Area.** For every twenty (20) units or guest rooms, a minimum of one dedicated office space shall be provided for the provision of on-site Supportive Services, including case management. A minimum of one dedicated office space shall be provided for Interim Motel Housing Projects with fewer than twenty (20) total combined units or guest rooms. Any Floor Area dedicated to Supportive Services may be provided on-site within an existing building, but shall not exceed ten percent (10%) of the total Floor Area of the building.
- (2) **Lighting.** Security night lighting shall be shielded so that the light source cannot be seen from adjacent residential properties.
- (f) **Purpose.** The use of these guest rooms and dwelling units under this subdivision shall not be considered an increase in density or other change which requires any corresponding discretionary action. Floor Area dedicated to Supportive Services shall be accessory to the Supportive Housing and/or Transitional Housing use. Lighting on the site should be adequate to provide for public safety and should not spill out on adjoining residential uses.

Section 3. Section 151.02 of the Los Angeles Municipal Code is amended to read as follows:

Rental Units. ... The term shall not include:

13. Housing accommodations in Supportive Housing and/or Transitional Housing participating in an Interim Motel Housing Project pursuant to LAMC Section 14.00.A.13.

This exemption shall apply only to housing accommodations which have been issued a housing exemption by the Department indicating satisfaction of the following conditions:

- (1) the subject housing accommodations are subject to and operating in accordance with a contract to provide Supportive Housing and/or Transitional Housing; and
- (2) any tenant remaining in the housing accommodations at the commencement of the contract term to provide Supportive Housing and/or Transitional Housing shall be afforded all rights and protections provided by this Article, including, but not limited to, LAMC Section 151.09A pertaining to the recovery of housing accommodations from any such tenant.

The Department shall have the authority to revoke an exemption issued pursuant to this Subdivision for failure to adhere to any of the conditions for an exemption set forth in this Subdivision.

This exemption shall be deemed automatically revoked upon termination of the contract term or failure to operate in accordance with the contract to provide Supportive Housing and/or Transitional Housing.

Section 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 Los Angeles Homeless Authority (LAHSA) January 2017 point in time count found that approximately 34,189 people are experiencing homelessness in the City of Los Angeles, reflecting a 20% increase from 2016. Over 73% of this number, or 25,237 people, are unsheltered, meaning that their primary nighttime residence is a public or private place not designated or ordinarily used as a regular sleeping accommodation for human beings. A significant portion of people experiencing homelessness in the City of Los Angeles experience multiple health issues, trauma, and disability: 20% have a substance use disorder, 33% have a serious mental illness, and 19% have a physical disability, while 36% have experienced domestic violence. Furthermore, approximately 31% of this population are experiencing chronic homelessness, a group that, when unsheltered, often incurs significant public costs related to emergency room visits, law enforcement, and incarceration. These costs have been shown to be significantly reduced when individuals are placed into supportive housing. The process in the proposed ordinance is designed to promote the expeditious expansion of the availability of supportive housing and transitional housing within the City. Supportive housing and transitional housing provide stable shelter for individuals experiencing homelessness, along with supportive services which help to address health and disability issues such as substance abuse, serious mental illness, and physical

disabilities. For all these reasons, the ordinance allowing Interim Use of Motels for Supportive Housing or Transitional Housing shall become effective upon publication pursuant to Section 253 of the Los Angeles City Charter.

Section 5. SEVERABILITY. If any portion, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each portion or subsection, sentence, clause and phrase herein, irrespective of the fact that any one or more portions, subsections, sentences, clauses or phrases be declared invalid.

FINDINGS

1. General Plan/Charter Findings

City Charter Section 556 and 558

Pursuant to City Charter Sections 556 and 558, as described below, the proposed ordinance is in substantial conformance with the purpose, intent and provisions of the General Plan, as well as in conformance with the public necessity, convenience, general welfare and good zoning practice. Specifically, the action addresses each of the following goals, objectives and policies of the General Plan as outlined below.

General Plan Findings

General Plan Framework Element

The proposed Interim Motel Conversion ordinance will meet the intent and purposes of the General Plan Framework Element to encourage the creation of housing opportunities for households of all types and incomes, while at the same time promoting livable neighborhoods. In particular, the proposed Interim Motel Conversion ordinance would further the intent and purpose of the following relevant goals, objectives, and policies of the Framework Element:

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

Policy 4.1.8: Create incentives and reduce regulatory barriers in appropriate locations in order to promote the adaptive re-use of structures for housing and rehabilitation of existing units.

Housing Element

The proposed Interim Motel Conversion Ordinance is in substantial conformance with the purpose, intent and provisions of the General Plan in that it would further accomplish the goals, objectives and policies of the Housing Element outlined below:

Goal 1: A City where housing production and preservation result in an adequate supply of ownership and rental housing that is safe, healthy and affordable to people of all income levels, races, ages, and suitable for their various needs.

Objective 1.1: Produce an adequate supply of rental and ownership housing in order to meet current and projected needs.

Policy 1.1.2: Expand affordable rental housing for all income groups that need assistance.

Policy 1.1.3: Facilitate new construction and preservation of a range of different housing types that address the particular needs of the city's households.

Objective 1.4: Reduce regulatory and procedural barriers to the production and preservation of housing at all income levels and needs.

Policy 1.4.1: Streamline the land use entitlement, environmental review, and building permit processes, while maintaining incentives to create and preserve affordable housing.

Goal 2: A City in which housing helps to create safe, livable and sustainable neighborhoods.

Objective 2.5: Promote a more equitable distribution of affordable housing opportunities throughout the City.

Policy 2.5.2: Foster the development of new affordable housing units citywide and within each Community Plan area.

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 4.1.3: Provide permanent supportive housing options with services for homeless persons and persons/families at risk of homelessness to ensure that they remain housed and get the individualized help they need.

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.

As made evident by the list of General Plan goals, objectives and policies above, the proposed ordinance is in conformance with a range of General Plan goals related to the provision of permanent and transitional housing and services for persons experiencing homelessness. The City's General Plan clearly recognizes the need for programs which remove regulatory barriers to allow for the conversion of existing structures to affordable housing for persons experiencing homelessness. The proposed ordinance responds to the General Plan by providing a streamlined approval process to allow existing motels to be converted to short-term and permanent housing that is linked with supportive services in locations throughout the City.

2. CEQA Findings

Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301 (categorical exemption for existing facilities), the adoption of the proposed ordinance amending Los Angeles Municipal Code (LAMC) Sections 12.03, 14.00 and 151.02 of the Los Angeles Municipal Code

establishing regulations to facilitate the use of existing hotels and motels for Supportive Housing and/or Transitional Housing is categorically exempt from CEQA. Additionally, none of the exceptions to the categorical exemption identified in CEQA Guidelines Section 15300.2 apply, including, but not limited to, because the City expressly finds there is no unusual circumstance including one that could result in a potential significant impact to the environment. The proposed ordinance will have no direct or reasonably foreseeable indirect environmental impacts.

Additionally, approval of the project is supported by the Negative Declaration (ENV-2017-3410-ND) prepared for this project. As demonstrated in Exhibit B.2, the proposed Interim Motel Conversion Ordinance could not have a significant effect on the environment. An Environmental Impact Report is not required.

3. 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 Los Angeles Homeless Authority (LAHSA) January 2017 point in time count found that approximately 34,189 people are experiencing homelessness in the City of Los Angeles, reflecting a 20% increase from 2016. Over 73% of this number, or 25,237 people, are unsheltered, meaning that their primary nighttime residence is a public or private place not designated or ordinarily used as a regular sleeping accommodation for human beings. A significant portion of people experiencing homelessness in the City of Los Angeles experience multiple health issues, trauma, and disability: 20% have a substance use disorder, 33% have a serious mental illness, and 19% have a physical disability, while 36% have experienced domestic violence. Furthermore, approximately 31% of this population are experiencing chronic homelessness, a group that, when unsheltered, often incurs significant public costs related to emergency room visits, law enforcement, and incarceration. These costs have been shown to be significantly reduced when individuals are placed into supportive housing.

The process in the proposed ordinance is designed to promote the expeditious expansion of the availability of supportive housing and transitional housing within the City. Supportive housing and transitional housing provide stable shelter for individuals experiencing homelessness, along with supportive services which help to address health and disability issues such as substance abuse, serious mental illness, and physical disabilities.

For all these reasons, the ordinance allowing Interim Use of Motels for Supportive Housing or Transitional Housing shall become effective upon publication pursuant to Section 253 of the Los Angeles City Charter.