

Contact Information

Neighborhood Council: Studio City Neighborhood Council

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Date of NC Board Action: 01/20/2010

Type of NC Board Action: General Comments

Impact Information

Date: 05/30/2011

Update to a Previous Input: No

Directed To: City Council and Committees

Council File Number: 11-0262

Agenda Date:

Item Number:

Brief Summary: The Studio City Neighborhood Council rejects the current proposed ordinance related to Care Facilities.

Additional Information

SCNC BOARD

Barbara Monahan Burke
 Jeffrey Carter
 Ezra Dweck
 Victor Helo
 Wayne Kartin
 Remy Kessler
 Michael McCue
 Ben Neumann
 Richard Niederberg
 Todd Royal
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CORRESPONDING SECRETARY

Lisa Sarkin

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Studio City, CA 91604

Phone (818) 655-5400

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SPECIAL BOARD MEETING - DRAFT MINUTES

**Wednesday, Jan 20, 2010, 7:10pm
at**

**CBS Studio Center, Building 8, MPR-3,
4024 Radford, Studio City CA, 91604**

The public is requested to fill out a "Speaker Card" to address the Board on any item of the agenda prior to the Board taking action on an item. Comments from the public on Agenda items will be heard only when the respective item is being considered. Comments from the public on other matters not appearing on the Agenda that is within the Board's subject matter jurisdiction will be heard during the Public Comment period. Public comment is limited to three minutes per speaker, unless directed otherwise by the presiding officer of the Board. The agenda is posted for public review at: Studio City Neighborhood Council website (www.scnc.info); as well as CBS Studio Center, Radford and Colfax gates; the Studio City Library, 12511 Moorpark St.; the Studio City Recreation Center, 12621 Rye Ave. and at Carpenter Avenue Elementary School, 3909 Carpenter Avenue, Studio City, CA 91604. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and upon request, will provide reasonable accommodation to ensure equal access to its programs, services, and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability of services, please make your request at least three (3) business days (72 hours) prior to the meeting you wish to attend by contacting the Neighborhood Council Project Coordinator (213) 473-5391 or by e-mail to Thomas.Soong@lacity.org. In compliance with Government Code section 54957.5, non-exempt writings that are distributed to a majority or all of the Board in advance of a meeting, may be viewed at our website by clicking on the following link: www.scnc.info or at the scheduled meeting. In addition, if you would like a copy of any record related to an item on the agenda, please contact office@scnc.info.

Agenda

1. Call to Order & Roll Call Barbara Monahan Burke - present, Jeffrey Carter - present, Ezra Dweck - present, Victor Helo - present, Wayne Kartin - present, Remy Kessler - present, Michael McCue - present Richard Niederberg - present, Ben Neumann present, Todd Royal - present, Lisa Sarkin - present, Jeffrey Steinberg - present, Gail Steinberg - present, Ron Taylor - present, John Walker - present, Rita Villa - present, There were 14 voting members so a quorum is present, 8 votes required to pass a motion. ___ people in attendance.
2. Early update and outlook with respect to Council District 2 by newly sworn in Council member Paul Krekorian. Thanked everyone for the welcome and thanked everyone for giving him the honor of representing us on the City Council. He has been in Tujunga dealing with the serious situation they are facing due heavy rain in the burn areas that can lead to mudslides and risk to life. "It is a heck of a way to start" Emergency departments are all working together with professionalism and skill as they work together to keep us safe. He was at the first meeting of the Education and Neighborhoods Committee. That committee will oversee NC's at the meeting they addressed the move to have NC elections administered by the City Clerk. They are working to move that toward implementation. They addressed an ordinance related to challenges that have arisen, and the application of term limits to NC's. Also discussed who can work on NC elections. He is eager to receive input as to how best to implement the change or whether it should be implemented at all. We are going to spend 2 million dollars to run the elections at a time of budget crisis and this might not be the best approach. Further, he has addressed medical marijuana. After 3 years of failing to take action the city council has before it an ordinance that, as proposed, will eliminate 85% of those locations operating in the city and establish a 1000 foot rule from sensitive uses. It also reduces the places they can operate estimated to be a max of 120 in the city. Also security and public safety measures will be implemented. There are unprecedented budget challenges. If we don't navigate carefully through the next few months the city could face the possibility of bankruptcy. The Councilman asked that stakeholders please weigh in with him and articulate what we in Studio City believe should be the budget priorities and solutions. He wants us to tell him how to prioritize the cuts that need to be made. He is also looking for revenue generation suggestions. The situation is very serious. The City is facing

significant reductions in services. We need to reinvent the way we do municipal government. When the economy improves we will be operating more efficiently and effectively. The Councilman then took questions from the stakeholders and provided the following responses.

Question: Why can't people just get medical marijuana at a pharmacy? **Response:** It was an initiative that was passed and implementation has not been very effective. There was no definition of which medical conditions it should apply to and there is disagreement about whether it can be sold versus distributed through a collective. Clinics opened under the guise of State law and the City has not done an effective job of handling this. There are more clinics than the Starbucks coffee shops and Starbucks are more regulated than the clinics. The Councilman stated that he supports medical marijuana for legitimate medical uses. The City's implementation has made the legislation a wink and a nod joke. It needs to be cleaned up.

Question: Are they finding a way to regulate who gets the cards. **Response:** No we can only regulate land use aspects. That is a state issue. As a society we need to decide if we care if people smoke marijuana or don't we. If we don't, then don't regulate it. If we do then regulate it properly.

Question: With the city's problems bankruptcy is a potential. How bad would that be? **Response:** It would do great damage to our credit in the long term. Some cities have declared bankruptcy to void labor agreements but we need to protect our credit rating.

Ezra Dwek asked the Councilman to be sure not to take draconian measures for fiscal vs public safety measures.

Question: If you put cameras in a marijuana collective would you violate HIPAA? **Response:** No. In a collective, those working there are not care providers.

Barbara Monahan Burke stated that she has attended many of the hearings and HIPAA was taken into consideration.

Question: Seeing the city from afar before he was elected and now within the city as a Councilman, what do you think the financial problem is? **Response:** The economic impact of the recession on revenues has been severe.

Question: What is the rationale for changing the way NC elections are handled. **Response:** He does not see an obvious rationale. There is respect for the professionalism of NCs in most areas of the city but, in some parts of the city, there are controversies and infighting. In response to that, there has been an attempt to formalize the process. NC's are a hybrid form of government and you get away from that when you attempt to formalize and standardize it. We need to find the sweet spot, finding a process that is administrable while preserving flexibility.

Question: All 89 councils will have their elections between March and May. Can we change the system back at this point and give it back to DONE. **Response:** It is a dilemma and the Councilman has not resolved how to deal with this. The decision to have the city clerk administer the elections was made to eliminate problems.

Question: What are the top three areas where he is looking to make budget cuts? **Response:** He wants to focus on the core mission of the city – keeping people safe – fire and police are the number one priority. Second are streets and transportation, followed by parks and libraries. He wants to focus our resources on the core mission. When a ship is sinking you throw everything not necessary to keep the ship afloat overboard. The budget problem cannot be solved by just adding a furlough day. The problem is much past that now.

Question: Why not hook the NC elections to the back of another election such as that to replace him. **Response:** In NC's it is all stakeholders that vote and the NC's decide who votes. It is complicated. The clerk could just be an arbitrator of disputes. This policy decision would move toward more formality.

Question: Regarding medical marijuana, how can it be enforced? Can we tax the shops to enable enforcement? **Response:** At this time no sales are taking place. At this time the transactions are being treated as reimbursement of costs of the collective. Some of these issues will be clarified over time. The ordinance is important because there is currently no structure by which to provide enforcement.

Question: Will the NC election item be on the city council agenda on Friday as there was no quorum today. **Response:** It was put on the agenda as a place holder.

Barbara Monahan Burke stated that at VANC Wendy Gruel came to speak about the audit of DONE. Her department got into performance issues not just financial matters. That report will go to the Councilman's committee first. She has looked into what the city charter allows NC's to do. What is in that audit limits NC's as to what they can do.

Barbara Monahan Burke is continuing to bring awareness to what the Charter will allow NC's to do. She would like to meet with Paul about this. **Response:** The Councilman

said he would be happy to meet with her and gave background on the Audit and stated the way it was released was unduly critical of DONE. There were some legitimate concerns raised because of a few bad apples. He wants to determine how we improve the performance of the councils and not use the audit as an excuse to limit NC input. He introduced Damien and Adreen. 7:45 adjourned to regular agenda

The special meeting was resumed at 9:30 PM.

3. Discussion and possible motion with respect to Proposed Community Care Facilities Ordinance CPC-2009-800-CA: Rita Villa gave background. **Moved:** Rita Villa, **Second:** Michael McCue.

Proposed Motion: The Board of the Studio City Neighborhood Council supports the issuance of a letter by the President of the SCNC addressed to Barbara Romero of the City Planning Commission, substantially in the form attached hereto, urging the City Planning Commission to reject the proposed Community Care Facilities Ordinance, CPC-2009-800 CA, as drafted, and directing the Planning Department to strengthen the provisions of the proposed ordinance so that it does not weaken the existing protections of the zoning code.

Public Comment:

Barry Johnson said the planning department is our worst enemy. We must draw a line in the sand. The Planning Department has gotten worse under Gail Goldberg,. **Richard Niederberg** stated that he is working on a related area. He is working on group homes. These facilities have only 6 unrelated adults. **Lisa Sarkin** said these homes are permitted by the State. A listing came out on Beck with a 7 bedroom home. There was one in Valley Village with sex offenders less than 1000 feet from a school. A nuisance abatement process can take up to 5 years. **Ron Taylor** said that there are unique situations. Sex offenders are different from drug users Onsite parking is too onerous. He would delete the requirement for one parking for each resident. He stated that the recommendations are reasonable. **Barbara Monahan Burke** does not think there should be any changes to the recommendations. There was a multi family dwelling with alcohol recovery in her area. It had to be closed down to rowdiness. This proposed ordinance went forward without outreach to the community. We now need to go forward on this because planning doesn't have enough staff. This is the beginning of planning putting out something that is not adequate. **Richard Niederberg** is concerned that parking is more restrictive than that required of senior citizen facilities. **John Walker** called the question **Second: Todd Royal. Vote: 12 Yes. 2 No. 1 Abstain.**

Vote on Motion: Yes 13. No 1. Abstain 1. Motion carries.

4. Adjournment. **Moved:** Michael McCue. **Second:** Richard Niederberg. **Vote:** Unanimous.

ATTACHMENT – SAMPLE LETTER

Barbara Romero
City Planning Commission
Los Angeles City Hall, Room 272
200 N. Spring Street,
Los Angeles, CA 90012

Reference: Proposed Community Care Facilities Ordinance, CPC-2009-800-CA

BACKGROUND:

On October 24, 2007 the City Council adopted a motion by Councilman Smith, seconded by Councilman Reyes, to direct the Planning Department to “provide land use control recommendations...that can be enacted citywide to regulate Sober Living Homes.” On August 19, 2008, the City Council adopted the Planning and Land Use Management Committee recommendation to:

“Instruct the Planning Department, in consultation with the Department of Building and Safety and the City Attorney, to prepare a comprehensive, citywide ordinance that regulates licensed community care facilities; regulates licensed alcohol and drug abuse treatment facilities; regulates unlicensed group residential homes; regulates unlicensed group residential homes operating as a business in a residential zone; and is prepared in accordance with sound zoning principles, the Community Care Facilities Act, state and federal law, and case law.”

As noted by the Planning Department’s Community Care Facilities Staff Report and Ordinance, the motions were in response to numerous complaints by citizens “about high occupancy and overconcentration of sober living homes”. Reports indicated “three and four bedroom houses with 15 to 20 occupants who are noisy, rowdy, and harass the neighbors”. It further states “residents have identified certain homes as the cause of secondhand smoke, panhandling, aggressive behavior, foul language, traffic congestion, parking problems, and excessive noise.”

The Planning Department report notes some of the actions on the subject taken by other cities, including a discussion of the comprehensive ordinance adopted by Newport Beach which was subsequently upheld by court decisions.

Yet despite specific direction contained in the motion by the City Council and subsequently by the PLUM Committee, the City Planning Department has come up with an extremely weak proposal, with none of the controls requested by those City agencies and by homeowners in areas affected by the facilities.

RECOMMENDATION:

Although we are in agreement with two of the provisions of the proposed ordinance, (i) No more than two people in a bedroom; and (ii) On-site parking is required for each resident. We do not agree that the proposal to "use existing nuisance abatement processes" meets either the spirit of the direction the Planning Department received from either PLUM or the City Council or the needs of the stakeholders living in the communities where these facilities are located. Additionally, the ordinance as proposed would weaken existing protections provided by the zoning code.

We urge the City Planning Commission to reject the proposed ordinance, as drafted, at your hearing on January 28 and direct the Planning Department to strengthen the provisions of the proposed ordinance.

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Barbara Romero
City Planning Commission

The proposed ordinance should be amended to:

- Require a formal hearing with appropriate notice for any such facility for 7 or more people.
- Require a business license for any facility run as a business in a single family residential zone.
- Require realistic inspection and enforcement provisions.
- Prohibit these establishments in the R1, RS, RE, and RA zones. Commercial boarding houses are not appropriate in single family residence zones.
- Require a formal hearing with appropriate notice for any such facility in other zones. Residents and other businesses within 500 feet and pertinent homeowners associations and neighborhood councils must be given the right to understand the specifics of a proposed establishment, object as necessary, and propose mitigations if appropriate.
- Require a business license for any facility run as a business. There are a number of ways to define such a business including separate leasing agreements (formal or informal) with the residents, establishments being reimbursed by Government agencies for the care of more than six residents, etc.
- Require a separation of at least 500 feet between establishments. State law requires a 300 foot separation but does not preclude cities from establishing greater separation requirements.
- Prohibit sober living houses within 1000 feet of existing liquor stores, markets, and convenience stores which sell alcoholic beverages.
- Require these residents to be within 1000 feet of public transportation. People in these homes are often destitute and being near public transportation would facilitate access to public services and employment as well as reduce parking problems.
- Require realistic inspection and enforcement provisions. The City must have the right to inspect any such establishment to ascertain compliance with the ordinance, state and federal laws, and specific conditions imposed on that establishment. An effective, enforcement procedure must be included in the ordinance to allow timely collection of fines against both the owner of the establishment and the owner of the property (if different), confiscation of the property if appropriate, and criminal prosecution for egregious violations.

Newport Beach has effective group care home legislation, which has been upheld by the courts. Los Angeles should use the Newport Beach ordinance as a guide.

Ben Neumann, President
Studio City Neighborhood Council



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January 21, 2010

Ms. Barbara Romero
City Planning Commission
Los Angeles City Hall, Room 272
200 N. Spring Street,
Los Angeles, CA 90012

Re: Proposed Community Care Facilities Ordinance, CPC-2009-800-CA

Dear Ms. Romero:

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Barbara Romero

City Planning Commission

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