

ITEM No. 31 A

MOTION

I MOVE that the matter of the Negative Declaration, Planning and Land Use Management and Public Safety Committees' Reports, and Ordinance First Consideration relative to amending Los Angeles Municipal Code (LAMC) Sections 12.03, 12.21, 12.22, 12.24 and 14.00 regulating State licensed community care and residential care facilities; defining single housekeeping unit; and amending definitions for boarding and rooming house and family, Item No. 31 on today's Council Agenda (CF 11-0262), BE AMENDED to PRESENT and ADOPT the attached ordinance in lieu of the ordinance attached to the File, which contains technical corrections proposed by the Planning Department in its response to the Rule 38 letter, as detailed below:

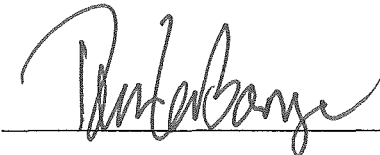
The addition of a phrase, 'common areas, including' to the third line of the definition of single housekeeping unit, and;

Replacement of the last sentence of the definition of boarding or rooming house with the following sentence; 'A bedroom shall be considered the same as a guest room for density and parking requirements.'

PRESENTED BY:

  
MITCHELL ENGLANDER  
Councilmember, 12<sup>th</sup> District

SECONDED BY:



ORIGINAL

January 30, 2013

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JAN 30 2013 REFERRED TO Community Care Facilities Working Group

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Sections 12.03, 12.21, 12.22, 12.24, and 14.00 of the Los Angeles Municipal Code consistent with the California Community Care Facilities Act to add definitions of *Community Care Facility, Licensed*; *Residential Care Facility for the Elderly, Licensed*; and *Alcoholism or Drug Abuse Recovery or Treatment Facility, Licensed*; to permit State licensed facilities with seven or more residents as public benefit projects subject to performance standards in any zone; to amend the definitions of *Boarding or Rooming House* and *Family* to provide clear guidelines for the appropriate enforcement of boarding houses with transient characteristics; and to prohibit *Boarding or Rooming Houses* in one-family dwellings in the RD Zone. The proposed ordinance also adds a definition of *Parolee-Probationer Home* and permits them by conditional use in all zones except the RW2 or more restrictive zones.

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

Section 1. Section 12.03 of the Los Angeles Municipal Code is amended by adding the following definitions in alphabetical order to read as follows:

**ALCOHOLISM OR DRUG ABUSE RECOVERY OR TREATMENT FACILITY, LICENSED.** As defined in Section 11834.02 of the Health and Safety Code, any premises, place or building licensed by the State of California that provides 24-hour residential non-medical services to adults who are recovering from problems related to alcohol, drug or alcohol and drug misuse or abuse, and who need alcohol and drug recovery treatment or detoxification services.

**COMMUNITY CARE FACILITY, LICENSED.** Any facility, place or building licensed by the State of California that is maintained and operated as a residential facility or as a social rehabilitation facility, as defined in Sections 1502(a)(1) and 1502(a)(7) of the Health and Safety Code, respectively, to provide non-medical residential care for persons in need of services, supervision or assistance essential for sustaining the activities of daily living.

**PAROLEE-PROBATIONER HOME.** Any dwelling, Apartment House, Hotel, or Apartment Hotel, which, whether owned and/or operated by a person or a for-profit or not-for-profit entity, contains a dwelling unit or guest room that houses three or more parolees-probationers unrelated by blood, marriage, foster care status, or legal adoption, in exchange for monetary or non-monetary consideration given and/or paid by the parolee-probationer and/or any public or private entity or person on behalf of the parolee-probationer. A parolee-probationer includes: (i) any person who has been convicted of a federal crime, sentenced to a United States prison, and received conditional and revocable release in the community under the supervision of a federal parole officer; (ii) any person who has served a term of imprisonment in a State prison and who is serving a period of supervised community custody, as defined in Penal Code

Section 3000, and is under the jurisdiction of the California Department of Corrections, Parole and Community Services Division; (iii) an adult or juvenile sentenced to a term in the California Youth Authority and who has received conditional and revocable release in the community under the supervision of a Youth Authority Parole Officer; or (iv) any person who has been convicted of a felony, sentenced to any correctional facility, including county correctional facilities, and is under the jurisdiction of any federal, state, or county parole or probation officer. For the purposes of this paragraph, "felony" means a felony as defined by any California or United States statute.

**RESIDENTIAL CARE FACILITY FOR THE ELDERLY, LICENSED.** As defined in Section 1569.2 of the Health and Safety Code, a housing arrangement licensed by the State of California and chosen voluntarily by persons 60 years of age or over, or their authorized representative, where varying levels of intensities of care and supervision, protective supervision, or personal care, or health-related services are provided, based upon the varying needs of the residents, as determined in order to be admitted and to remain in the facility. A Residential Care Facility for the Elderly, Licensed, may house residents under 60 years of age with compatible needs pursuant to Section 1569.316 of the Health and Safety Code and provide health-related services pursuant to Section 1569.70 of the Health and Safety Code.

**SINGLE HOUSEKEEPING UNIT.** Any household whose members are a non-transient interactive group of persons jointly occupying a dwelling unit, including joint access to and use of all common areas, including living, kitchen, and eating areas, within the dwelling unit, and sharing household activities and responsibilities such as meals, chores, expenses and maintenance, and whose makeup is determined by the members of the unit rather than by the landlord, property manager, or other third party. This does not include a Boarding or Rooming House.

Sec. 2. The following definitions set forth in Section 12.03 of the Los Angeles Municipal Code are amended to read as follows:

**BOARDING OR ROOMING HOUSE.** A dwelling where lodging is provided to four or more persons for monetary or non-monetary consideration. This definition does not include any state licensed facility serving six or fewer persons which, under state law, is not considered a boarding house. A bedroom shall be considered the same as a guest room for density and parking requirements.

**FAMILY.** One or more persons living together in a dwelling unit as a single housekeeping unit.

Sec. 3. Subparagraph (d) of Paragraph 4 of Subsection A of Section 12.21 of the Los Angeles Municipal Code is amended by adding a new Sub-subparagraph (6) to read as follows:

(6) Any Alcoholism or Drug Abuse Recovery or Treatment Facility, Licensed; Community Care Facility, Licensed; or Residential Care Facility For The Elderly, Licensed, shall provide a minimum of two automobile parking spaces, with 0.2 automobile parking space provided for each additional resident over the number seven. The parking spaces are calculated based on the maximum number of residents authorized by the state license.

Sec. 4. Subsection D of Section 12.21 of the Los Angeles Municipal Code is amended to read as follows:

D. **(None)**

Sec. 5. Subsection A of Section 12.22 of the Los Angeles Municipal Code is amended by adding a new Subdivision 31 to read as follows:

31. Boarding or Rooming Houses in the RD Zone. Notwithstanding the provisions of Section 12.09.1 of this Code, any one-family dwelling located on a lot zoned RD shall not be used as a boarding or rooming house.

Sec. 6. Paragraph 9 of Subsection X of Section 12.24 of the Los Angeles Municipal Code is amended to read as follows:

9. **(None)**

Sec. 7. Subparagraph 5 of Subsection U of Section 12.24 of the Los Angeles Municipal Code is amended to read as follows:

5. **(None)**

Sec. 8. Paragraph 54 of Subsection W of Section 12.24 of the Los Angeles Municipal Code is added to read as follows:

54. Parolee-Probationer Homes in all zones except the RW2 and more restrictive zones.

Sec. 9. The first paragraph of Subsection A of Section 14.00 of the Los Angeles Municipal Code is amended to read as follows:

A. **Public Benefit Projects and Performance Standards.** Where not permitted by right or by Conditional Use Permit pursuant to Subsections U, V or W of Section 12.24, the following public benefit uses are permitted in any zone, unless restricted

to certain zones or locations. The uses shall meet the following performance standards or alternative compliance measures approved pursuant to Subsection B.

Upon the Director's determination that the public benefit use meets the stated performance standards, the Director shall record a covenant of the determination with the Office of the County Recorder. The covenant shall be valid as long as the property is used as a public benefit. The covenant shall be terminated when the land is no longer used as a public benefit. Upon recordation with the Department of City Planning of a covenant affirming the performance standards of a public benefit, notification of the public benefit shall be sent to adjoining and abutting property owners, the applicable certified neighborhood council, and the applicable City Council office. Public notification shall identify the applicable performance standards and a statement that, if the public benefit does not adhere to the performance standards, the Director of Planning may revise the performance standards or discontinue the use and terminate the covenant.

Sec. 10. Subsection A of Section 14.00 of the Los Angeles Municipal Code is amended by adding a new Paragraph 10 to read as follows:

10. Alcoholism or Drug Abuse Recovery or Treatment Facilities, Licensed; Community Care Facilities, Licensed; and Residential Care Facilities For The Elderly, Licensed, serving seven or more residents in the A, R, and C zones.

(a) **Performance standards:**

(1) The use meets the applicable automobile parking space requirements set forth in Section 12.21A 4 (d) (6);

(2) The use avoids interference with traffic by providing access through driveways and/or loading docks for deliveries and pickups;

(3) The use is conducted in conformance with the City's noise regulations pursuant to Chapter 11 of this Code; any household noise or music shall be sufficiently modulated to ensure that adjacent residents are not disturbed;

(4) In the A and R zones, the existing residential character of the building and site are maintained, including the exterior façade, landscaping, fences, walls, lawn areas, and driveways;

(5) Security night lighting is shielded so that the light source cannot be seen from adjacent residential properties;

(6) The use does not create an unreasonable level of disruption or interference with the peaceful enjoyment of adjoining and neighborhood properties; and

(7) Total occupancy of the use does not exceed two residents for every bedroom or guest room as shown on the building plans approved by the Department of Building and Safety.

(b) **Purposes:** Alcoholism or Drug Abuse Recovery or Treatment Facilities, Licensed; Community Care Facilities, Licensed; and Residential Care Facilities For The Elderly, Licensed, serving seven or more residents in the A, R and C zones, shall be compatible with the character of the neighborhood and not adversely impact the health, safety and welfare of the persons residing in the facility or the neighborhood. Parking, traffic and transportation impacts shall be insignificant. The operation must comply with State law and must have a State license. The number of residents allowed per facility is limited in order to keep density within acceptable limits.

Sec. 11. **Severability.** If any part, section, subsection, subdivision, paragraph, subparagraph, sentence, phrase, clause, term, or word of this ordinance is declared invalid or unconstitutional by a valid court judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the constitutionality or lawfulness of the remainder of this ordinance.

Sec. 12. 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, at its meeting of \_\_\_\_\_.

JUNE LAGMAY, City Clerk

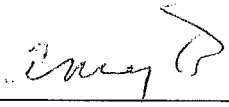
By \_\_\_\_\_ Deputy

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By  \_\_\_\_\_  
AMY BROTHERS  
Deputy City Attorney

Date Jan 30, 2013

File No. CF11-0262; CPC 2009-800-CA