

Westwood South of Santa Monica Blvd
Homeowner's Association
Incorporated November 8, 1971
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Date: 3/20/12
Submitted in PLUM Committee
Council File No: 11-0262
Item No.: 1
Deputy: Comm. from Public

March 20, 2012

Chairperson Ed Reyes, Members Englander and Huizar
Planning and Land Use Management Committee
Los Angeles City Hall
200 N. Spring Street
Los Angeles California, 90012

RE: Council File No: 11-0262, Case No: CPC-2009-800-CA, CEQA: ENV-2009-801- ND
Community Care Facility Ordinance (CCFO)
Opposition to the 3/8/12 Planning Report suggested revisions to the proposed CCFO

Honorable Councilmembers Reyes, Englander and Huizar:

We urge that you adopt the City Attorney's report and recommendations of September 13, 2011 to establish a regulatory framework for Community Care Facilities. We have previously written to you on this matter and have attended your earlier hearings on the topic of Community Care Facilities (CCF) which is of grave concern to our constituents. We are frustrated with the delays in adopting an ordinance and are concerned that although our concerns have been clearly presented, that the health and safety of our communities remains at risk should the new Planning Dept. report of March 8 be adopted. The enforcement mechanisms defined in the City Attorney's September 13, 2011 report provide greater and much-needed protections to our neighborhoods across the City. As the strategies employed have been tested in the courts as a result of the experiences of other municipalities in the state, it is the far more prudent road to take. Los Angeles can benefit from their hard work and experience rather than seek to blaze a new path at a time when City resources for legal challenges are severely limited and when enforcement staff, too, are already overburdened with work. The City Attorney's recommendations include clearer definitions and provide objective mechanisms that will allow for more effective enforcement and regulation.

We strongly urge you to reject the recommendations and suggestions in the March 8 Planning Dept. document. It is our deep concern that the following recommendations (underlined) have been put forth to disable, disarm and render the proposed CCFO immaterial:

1. "...it (City Council) may wish to remove the lease limitation altogether and rely solely on "markers" in addition to precluding it from being a boarding/rooming house business..."
The option of "markers" listed, such as "relatively permanent or non-transitory" is subjective and very vague. Enforcement would be severely hampered. Clearer

guidelines are required. The lease agreement designation solves enforcement challenges because it is simple, objective and explicit. ***The 2 or more lease stipulation is the key component that defines a Boarding/Rooming House Business and must be maintained.***

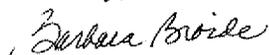
2. "Regulating licensed facilities of seven residents and over as public benefits."
Public benefits or "by right" determination violates the fundamental principles of fairness, due process, and shuts out public comment and review. ***Because of the significant impact that a large facility (as many as 100-200 residents) could have on the surrounding community, a Zoning Variance must be required as a means of regulation.***

3. "...the Department recommends that the City Council remove the parolee/probationer definition and conditional use from the proposed ordinance and resolve these issues at a later date."
Considering that the State early prisoner release program is under way, the issue of parolee/probationer housing is an urgent matter that must be dealt with immediately. Many group and sober living homes have upwards of 50% of the residents that are parolees/probationers. According to the LAPD there are many of these homes opening and they are currently impossible to track or monitor. Many cities have ordinances that regulate parolee/probationer houses. ***There is no viable explanation or justification for the removal of the parolee/probationer definition from the proposed ordinance.***

For five years, the citizens of Los Angeles have been waiting for the passage of an ordinance that will regulate group houses and community care facilities in a manner that will offer protection to the surrounding communities as well as safeguarding the residents within those facilities. The challenge we face in enacting a CCFO is to balance the rights and needs of all of the City's constituents. It is not appropriate for the City to ignore its own zoning regulatory framework in order to permit CCFO's to operate in single-family zoned areas. Many homeowners have made great sacrifices to buy a home in Los Angeles and they do not expect their own City and its City Council to destabilize their neighborhoods, to diminish their property values and/or to sacrifice the quality of their every day life with an ordinance designed to address the needs of those who rely on CCFO's for their housing. CCFO's provide a valuable and much needed housing option. However, that option cannot be exercised by severely compromising the quality of life of others. Should revisions to the recommendation of the City Attorney's report be needed after initial implementation, we will be happy to work with the City to seek improvements. In the meanwhile, we urge adoption of the CCFO framework as defined in the City Attorney's September report.

Thank you for your consideration.

Sincerely,



Barbara Broide, President

cc: CD 5 – Councilmember Koretz and Chris Koontz, Planning Deputy