

Your PUBLIC SAFETY COMMITTEE

reports as follows:

PUBLIC SAFETY COMMITTEE REPORT relative to regulating State-licensed community care and residential care facilities, defining single housekeeping units, and amending definitions for boarding and rooming house and families.

Recommendations for Council action:

1. REQUEST that the City Attorney prepare an ordinance to amend Los Angeles Municipal Code (LAMC) Sections 12.03, 12.21, 12.22, 12.24, and 14.00 consistent with the California Community Care Facilities Act substantially as presented in Ordinance dated September 13, 2011 (attached to the Council file), as amended to:
 - a. Incorporate a severability clause so as if a suit challenge is made against a part of the proposed ordinance, the remainder of the ordinance would remain in effect.
 - b. Modify the definition of 'parolee-probationer home' to reflect a multi-unit residential structure, where one or more units has three or more parolee-probationers
 - c. Remove, relative to the definition of single housekeeping unit, portion of definition language pertaining to "one lease;" and, with regard to definition of boarding house, to allow up to three leases before being classified as a boarding house.
2. REQUEST that the Planning Department and the Board of Police Commissioners, in consultation with the City Attorney, report back with recommendations for an exemption permit process for operators of shelters for victims of domestic violence.
3. REQUEST that the Police and Planning Departments, the Department of Building and Safety, and the City Attorney report to the Planning and Land Use Management Committee in one year to conduct a public hearing with a thorough evaluation of the proposed Community Care Facilities Ordinance, its impact, and whether any amendments are needed to mitigate any unintended consequences or to strengthen aspects needing improvement.

Fiscal Impact Statement: None submitted. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: Yes

Against Proposal: Greater Griffith Park Neighborhood Council
Venice Neighborhood Council
Southwest Area Neighborhood Council
Glassell Park Neighborhood Council
North Hills West Neighborhood Council

Central Hollywood Neighborhood Council
Historic Highland Park Neighborhood Council
Hollywood Studio District Neighborhood Council

For Proposal: Studio City Neighborhood Council
Westwood Neighborhood Council
Granada Hills South Neighborhood Council
North Hills West Neighborhood Council

Comments: Mar Vista Neighborhood Council

SUMMARY

Accompanying a report to Council dated September 13, 2011 (attached to the Council file), the City Attorney presents Ordinance relative to regulating State-licensed community care and residential care facilities, defining single housekeeping units, and amending definitions for boarding and rooming house and families. City Attorney states that the Ordinance balances the goal of the California Community Care Facilities Act, and other state laws, to expand housing for the disabled by creating additional residential housing opportunities for residents in larger state-licensed residential facilities, while maintaining the quality of life in low-density residential neighborhoods.

According to the City Attorney, State law prevents cities from regulating smaller licensed facilities serving six or fewer residents differently from other single-family residences. In addition, state licensed facilities serving seven or more residents currently are required to obtain a conditional use permit before operating in any zone. The accompanying Ordinance adds to the LAMC definitions of Community Care Facility, licensed; Residential Care Facility for the Elderly, licensed; and Alcoholism or Drug Abuse Recovery or Treatment Facility, licensed. The definitions, along with other Code amendments, permit facilities serving seven or more residents to operate as "public benefit projects" in any zone, including low-density residential zones, through a ministerial process, subject to specific parking, density, noise, and other land use based performance standards.

The City Attorney goes on to report that the accompanying Ordinance also enhances the City's enforcement capabilities concerning unauthorized boarding houses operating in low-density residential zones, thereby maintaining the stable, non-transient residential character of these zones. The accompanying Ordinance updates and amends the definitions of "Boarding House" and "Family," and adds a definition for "Single Housekeeping Unit" to enforce the distinction between residential and commercial uses, (i.e., boarding houses). A "Single Housekeeping Unit" is defined as a unit of people living together as a traditional family, by sharing monetary responsibilities, chores and experiences; and where residents rent the unit, they must do so under one lease and have control over the makeup of the household occupying the unit a Boarding House is defined as any place providing lodging for residents in separate guest rooms or under two or more leases. Under the accompanying Ordinance, boarding houses are still permitted in R-3 and less restrictive zones and still prohibited in R-1 and in most R-2 zones. The accompanying Ordinance would also prohibit boarding houses from operating in one-family dwellings in RD zones, and adds a definition of Parolee-Probationer Home and permits them as conditional uses only in R-3 and less restrictive zones.

At its special meeting held December 10, 2012, the Public Safety Committee discussed this matter with representatives of the Fire, Police, and Planning Departments, the Department of Building and Safety, and the City Attorney. During the public comment period, speakers opposed to the Ordinance stated that the proposed changes would reduce the availability of

housing for individuals in recovery and for those who need additional services. Statements were also made that the changes would violate fair housing laws by limiting housing opportunities for persons with disabilities. Speakers in support of the Ordinance stated that the proposed regulations were needed to address nuisance activities and protect neighborhood public safety. It was further stated that the Ordinance is needed to address conditions of overcrowding at care facilities.

The representative of the City Attorney discussed the amendments of definitions, and other requirements proposed by the Ordinance. It was stated that the proposed Ordinance does not violate fair housing laws.

The Public Safety Committee recommended that Council approve the accompanying Ordinance, as amended to incorporate a severability clause and to modify the definitions of parolee/probationer home and single housekeeping unit as outlined above. Committee further recommended that Council direct staff to report back with a permit process for the exemption of domestic violence shelters, and to report to the Planning and Land Use Management Committee in one year with a status update of the proposed Ordinance.

Respectfully submitted,

PUBLIC SAFETY COMMITTEE

- NOT OFFICIAL UNTIL COUNCIL ACTS -

<u>MEMBER</u>	<u>VOTE</u>
ENGLANDER:	YES
PERRY:	ABSENT
BUSCAINO:	YES
KREKORIAN:	YES
ZINE:	YES

JAW
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