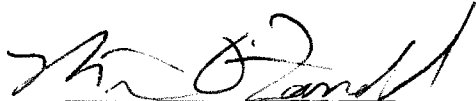


ITEM No. 18 - C

M O T I O N

I MOVE that the matter of the Categorical Exemption, Negative Declaration, Planning and Land Use Management Committee Report, and Ordinance First Consideration relative to establishing a process for temporary use of motels and hotels for supportive and transitional housing, Item No. 18 on today's Council Agenda (CF 17-1432), **BE AMENDED** to PRESENT AND ADOPT the attached ordinance in lieu of any other ordinance relative to this matter, in order to clarify its application to historic buildings.

PRESENTED BY:


MITCH O'FARRELL
Councilman, 13th District

SECONDED BY:



ORIGINAL

April 11, 2018_{ak}



1 APR 11 2018

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 or Transitional Housing for persons experiencing homelessness or those at risk of homelessness.

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, which includes access to assistance and services, such as mental health treatment, health care, drug and alcohol treatment, education and job training, for extremely low income or very low income individuals and families who are homeless or chronically homeless or at risk of homelessness;

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 for persons experiencing homelessness and those at risk of homelessness;

NOW, THEREFORE,

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

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

SUPPORTIVE HOUSING. Housing with no limit on length of stay for 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 Floor Area used for the delivery of Supportive Services shall be considered accessory to the residential use.

TRANSITIONAL HOUSING. A building where housing linked to Supportive Services is offered, usually for a period of up to 24 months, to facilitate movement to permanent housing for persons with low incomes who may have one or more disabilities, and may include 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.

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.

Sec. 2. A new Subdivision 12 is added to Subsection A of Section 14.00 of the Los Angeles Municipal Code 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 existing transient residential structures, such as motels, Hotels, Apartment Hotels, Transient Occupancy Residential Structures and Hostels as Supportive Housing or Transitional Housing for persons experiencing homelessness or those at risk of homelessness. Under this subdivision, the structure may return to its previous use, or any use consistent with the underlying zoning, upon termination of the interim Supportive Housing or Transitional Housing use.

(a) **Interim Motel Housing Project.** An Interim Motel Housing Project is the physical re-purposing or adaptation of an existing transient

residential structure, such as a motel, Hotel, Apartment Hotel, Transient Occupancy Residential Structure, or Hostel, for use as Supportive Housing or Transitional Housing for persons experiencing homelessness or those at risk of homelessness. The Local Public Agency determines who qualifies as experiencing homelessness or is at risk of homelessness. For purposes of this subdivision only, Local Public Agency is defined as an agency, identified on a list maintained by the Department of City Planning, that funds Supportive Housing and Transitional Housing for persons experiencing homelessness or at risk of homelessness. All Dwelling Units and Guest Rooms in the structure must be used for Supportive Housing or Transitional Housing or a combination of both. The Interim Motel Housing Project must not increase or add Floor Area or expand the building footprint or height, nor shall it increase the total combined number of Dwelling Units or Guests Rooms. Any Floor Area used for onsite Supportive Services shall be considered accessory to the residential use.

(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 through the approval process, including but not limited to payment of fees, set forth in Chapter IX of the LAMC. Interim Motel Housing Projects shall not be considered an increase in density or other change which requires any corresponding discretionary action.

(2) Prior to issuance of a building permit, the applicant shall provide a copy of an executed contract agreement between the Local Public Agency, the provider of the Supportive or Transitional Housing, and the Interim Motel Housing Project applicant for the provision of onsite Supportive Housing or Transitional Housing, or a combination of both; proof that the applicant has received funding from a Local Public Agency; and proof that the Supportive Housing or Transitional Housing contract is in effect.

(3) If structures or units are subject to the provisions of LAMC Section 47.70 et seq. (Residential Hotel Ordinance) on the date of the Interim Motel Housing Project application, they shall remain subject to all requirements and restrictions in Section 47.70 et seq. during the Supportive Housing or Transitional Housing contract. Interim Motel Housing Project applicants seeking to

convert structures subject to the Residential Hotel Ordinance shall also submit an Application for Clearance using the process described in LAMC Section 47.78. At the conclusion of the Supportive Housing or Transitional Housing contract, the number of Residential Units, as defined in LAMC Section 47.73 T, at each participating structure shall be identical to the number of units originally determined by the Housing and Community Investment Department to be Residential Units pursuant to LAMC Section 47.76 or any subsequent number approved as part of an Application for Clearance.

(c) **Termination of Supportive Housing or Transitional Housing Contract.** Upon any termination of the Supportive Housing or Transitional Housing contract, the Interim Motel Housing Project applicant 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 use, authorized by a Certificate of Occupancy, existing on the date of the Interim Motel Housing Project application, or to any use permitted by the current zoning regulations; or

(2) Provide a copy of a new executed contract agreement to the Department of Building and Safety in accordance with the requirements in Paragraph (b)(2) to begin a new contract term for provision of Supportive Housing or Transitional Housing.

(d) **Zoning Compliance.**

(1) Interim Motel Housing Projects shall not be subject to any otherwise applicable zoning ordinance, specific plan, or other overlay district regulations, including, but not limited to, the following:

(i) **Minimum Area per Dwelling Unit or Guest Room.** A structure, regardless of any nonconforming status as to the area and density regulations of the underlying zone, may be used for an Interim Motel Housing Project, provided that the structure has a Certificate of Occupancy as a motel, Hotel, Apartment Hotel, Transient Occupancy Residential Structure, or Hostel, and the conversion does not create any additional total combined number of Dwelling Units or Guest Rooms.

(ii) **Off-Street Automobile Parking.** Interim Motel Housing Projects shall be exempt from the provisions of LAMC Section 12.21 A.4(m). During the Supportive Housing or Transitional Housing contract, however, the Interim Motel Housing Project shall maintain and not reduce the number of onsite parking spaces existing on the date of the Interim Motel Housing Project application.

(iii) **Use.** Notwithstanding the use provisions of the underlying zoning, an Interim Motel Housing Project shall be permitted.

(iv) **Change of Use.** 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.

(2) **Minor Interior Alterations for Cooking Facilities.** Approved Interim Motel Housing Project applicants may make minor interior alterations adding cooking facilities, including a sink, a refrigerator not exceeding 10 cubic feet, counter space not exceeding 10 square feet, and a hotplate or microwave, to Guest Rooms. In the event a structure is returned to the motel or hotel use in accordance with Paragraph (c)(1), the motel or hotel may maintain any Guest Rooms with added cooking facilities.

(3) **Preservation of Nonconforming Rights.** Upon termination of the Supportive Housing or Transitional Housing use, any structure that is nonconforming as to area or use regulations or any other zoning code requirements may return to the use and condition, authorized by a Certificate of Occupancy, existing on the date of the Interim Motel Housing Project application, notwithstanding any physical alterations to the subject property. Any Floor Area used for Supportive Services may be returned to use as Guest Rooms or Dwelling Units, or may be converted to accessory amenity spaces, so long as the total number of Dwelling Units or Guest Rooms do not exceed the number approved on the Certificate of Occupancy existing at the time of the application for Interim Motel Housing Project.

(e) **Performance Standards.** The Interim Motel Housing Project shall meet the following performance standards:

(1) **Supportive Service Area.** For every 20 Dwelling 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 20 total combined Dwelling Units or Guest Rooms. Any Floor Area dedicated to Supportive Services may be provided on-site within an existing building, but shall not exceed 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.

(3) **Security Lighting.** Security lighting with illumination of not less than 0.2 footcandles (2.15 lx) shall be provided in parking areas, alleys and any unenclosed spaces under or within the first floor of the building(s).

(4) **Recycling and Trash Facilities.** Any recycling and trash facilities shall be secured and completely enclosed by a solid wall or fence not less than six feet in height.

(5) **Historic Buildings.** An Interim Motel Housing Project shall not involve alteration of an historic character defining feature identified in a nomination or a survey for any project affecting a property listed in or formally determined eligible for a national, state or local historic register, individually or as a contributor to a historic district, unless the Director in consultation with the Office of Historic Resources determines the proposed alteration will not adversely impact the property's historic eligibility.

(f) **Alternative Compliance.** If compliance with the Performance Standards is not met, the applicant may apply for approval of alternative compliance measures pursuant to the procedures in Subsection B of this section. The requirements in Paragraphs (a) and (b), above, must be met in order to qualify for an alternative compliance review. In approving the alternative compliance application, the Director shall find that the Interim Motel Housing Project substantially meets the purposes of the Performance Standards, including that it provides an appropriate level of Supportive Services that is accessible to the residents of the Supportive Housing or Transitional Housing.

Sec. 3. A new Subsection 13 is added to the definition of Rental Units in Section 151.02 of the Los Angeles Municipal Code to read as follows:

13. Housing accommodations in an Interim Motel Housing Project pursuant to LAMC Section 14.00 A.12.

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 housing accommodations are subject to and operating in accordance with a Supportive Housing or Transitional Housing contract; and

(2) any tenant remaining in the housing accommodations at the commencement of the Supportive Housing or Transitional Housing contract shall be afforded all rights and protections provided by this Article, including, but not limited to, LAMC Section 151.09 A, pertaining to a landlord's recovery of housing accommodations from a 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 Supportive Housing or Transitional Housing contract or failure to operate in accordance with the Supportive Housing or Transitional Housing contract.

Sec. 4. **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.

Sec. 5. **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 and for those at risk of 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.


Sec. 6. 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.

Approved as to Form and Legality


MICHAEL N. FEUER, City Attorney

By  _____
AMY BROTHERS
Deputy City Attorney

Date April 11, 2018

Pursuant to Charter Section 559, I  approve
this ordinance on behalf of the City
Planning Commission and recommend that
it be adopted.

April 11,
March _____, 2018


Vincent P. Bertoni, AICP
Director of Planning

File No. 17-1432

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I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than three-fourths** of all its members.

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____