



# DEPARTMENT OF CITY PLANNING RECOMMENDATION REPORT



<b>CITY PLANNING COMMISSION</b>	<b>CASE NO:</b>	CPC-2009-800-CA	
<b>DATE:</b>	January 28, 2010	<b>CEQA:</b>	ENV-2009-801-ND
<b>TIME:</b>	after 8:30AM	<b>LOCATION:</b>	Citywide
<b>PLACE:</b>	Van Nuys City Hall	<b>LOCATION:</b>	Citywide
	14410 Sylvan Street	<b>COUNCIL DISTRICT:</b>	All
	Council Chamber, 2 <sup>nd</sup> Floor	<b>PLAN AREAS:</b>	All
	Van Nuys, CA 91401		

### PUBLIC HEARING REQUIRED

**REQUEST:** Amendments to Sections 12.03, 12.05, 12.07, 12.07.01, 12.07.1, 12.08, 12.08.1, 12.08.3, 12.08.5, 12.09.1, 12.10, 12.12.2, 12.21, 12.24, and 14.00 of the Los Angeles Municipal Code (LAMC).

**SUMMARY:** A proposed ordinance (Appendix A) to bring the LAMC into conformance with the California Community Care Facilities Act and state law regarding Alcohol/Drug Recovery or Treatment Facilities. It adds definitions to LAMC and codifies state law requiring that facilities for six or fewer residents are zoned as single family residences. It also permits facilities for seven or more residents as public benefits in the same zones if the use meets all required performance standards for onsite parking, loading, density, lighting, and noise.

### RECOMMENDED ACTIONS:

1. **Adopt** the staff report as its report on the subject.
2. **Adopt** the Findings included in Attachment 1.
3. **Adopt** the Negative Declaration (Attachments 2 and 3) as the CEQA clearance on the subject.
4. **Approve** the proposed ordinance (Appendix A) and recommend its adoption by the City Council.

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**ADVICE TO PUBLIC:** \*The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communication may be mailed to the Commission Secretariat, 200 North Main Street, Room 532, Los Angeles, CA 90012 (Phone No. 213/978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent a week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. 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 these programs, services, and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request no later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at 213/978-1300.

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## EXECUTIVE SUMMARY

The proposed ordinance (Appendix A) recognizes the importance of maintaining the quality of life in the City's single-family neighborhoods while supporting the placement of persons with special needs in residential neighborhoods. For over 40 years, state and federal governments have favored de-institutionalizing persons with disabilities and encouraging their placement in homes in residential neighborhoods. This policy is implemented in California by the Community Care Facilities Act of 1973, which licenses and regulates facilities for persons with special needs, both youth and adults who require personal services, supervision, or assistance essential for sustaining the activities of daily living. This proposed ordinance brings the Los Angeles Municipal Code (LAMC) into conformance with state law.

The proposed ordinance also regulates licensed Alcohol/Drug Recovery or Treatment Facilities, which provide treatment and detoxification services to persons recovering from alcohol and drug addiction. Sober living homes, which offer housing for persons recovering from alcohol or drug addiction **without** providing treatment or supervision, are not licensed by the state and are not regulated by this proposed ordinance.

State law prevents local municipalities from regulating facilities serving six or fewer residents differently from other single-family residences. The proposed ordinance does not change City practice, but brings the LAMC up to date by listing these uses in the agricultural (A), residential (R), and commercial (C) zones, consistent with state law.

State law does not prevent local municipalities from regulating facilities serving seven or more residents. In accord with the City's General Plan, sound zoning principles, and state and federal fair housing laws, the proposed ordinance regulates licensed facilities for seven or more residents as "public benefits" in the A, R, and C zones. Public benefit uses are permitted through a ministerial process that does not require a public hearing or letter of determination.

In preparing this proposed ordinance, Planning Department staff confronted complex issues that resulted in the conclusion that, as a matter of law, practice, and policy, the City should not attempt to regulate sober living homes, unless one is the source of nuisance activity.

This staff report has three components. Part I provides background, chronology and methodology. Part II explains the proposed additions to the LAMC. Part III addresses the issues that complicate the regulation of sober living homes and recommends use of the nuisance abatement procedure to abate and eliminate nuisance activity that negatively impacts a neighborhood.

## STAFF REPORT

### Request

On **October 24, 2007**, Councilman Greig Smith introduced Motion CF 07-3427 (Smith-Reyes) requesting a report describing the ordinances enacted by Murrieta, Riverside, and other cities in California to regulate sober living homes; and further requesting that the Planning Department and Department of Building and Safety, in consultation with the City Attorney, recommend land use controls that can be enacted citywide to regulate sober living homes (Attachment 4). Councilman Smith was responding to concerns from constituents regarding sober living homes located in residential areas. Residents throughout Los Angeles have raised similar concerns about high occupancy and overconcentration of sober living homes. Further, residents have identified certain homes as the cause of secondhand smoke, panhandling, aggressive behavior, foul language, traffic congestion, parking problems, and excessive noise. On **January 15, 2008**, the Planning and Land Use Management (PLUM) Committee referred the motion to staff.

### Part I: Background, Chronology and Methodology

On **July 24, 2008**, the Planning Department released its Report on Sober Living Homes and Recommended Land Use Controls (Attachment 5) to the Planning and Land Use Management (PLUM) Committee.

On **August 5, 2008**, during PLUM's public hearing on the Planning Department's report, a number of local residents spoke about the negative impact sober living homes have on their neighborhoods. Specifically, some were concerned about three and four bedroom houses with 15 to 20 occupants who are noisy, rowdy, and harass the neighbors. They requested that the ordinance prohibit group residential facilities in the A, RA, RE, RS, and R1 zones and that it require 1000 feet between facilities and 2000 feet from facilities to schools. They also requested higher fees for conditional use applications.

Other speakers at the PLUM hearing described the benefits of sober living homes in providing an appropriate means for recovering alcoholics and drug addicts to make a healthy transition from treatment to life at home. Not wanting the City to violate the civil rights of the residents in sober living homes, they pointed out that the Federal Fair Housing Act requires that no restrictions be placed on sober living homes that are not applicable to all homes in the neighborhood.

After much public discussion and consideration, PLUM recommended that Council approve the Planning Department's report.

On **August 13, 2008**, City Council adopted PLUM's recommendation. Specifically, Council instructed "the Planning Department, in consultation with the Department of Building and Safety and the City Attorney, to prepare a comprehensive ordinance that: regulates licensed community care facilities, regulates licensed alcohol and drug abuse treatment facilities, regulates unlicensed group residential uses, regulates unlicensed group residential homes operating as businesses 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."

Following the PLUM hearing, the Planning Department, in consultation with the Department of Building and Safety and the City Attorney, met with and received communications from community members, Council offices, the Los Angeles Police Department, Neighborhood Councils, the Los Angeles Housing Department, the network and coalition of Sober Living Homes, community care facility operators, and their representatives and attorneys.

On **February 7, 2009**, Planning Department staff met with the Los Angeles Neighborhood Council Coalition (LANCC).

On **February 14, 2009**, Planning Department staff met with the Neighborhood Council Plan Check.

On **March 26, 2009**, Planning Department staff met at Devonshire House in Chatsworth with representatives from several neighborhood councils.

Comments made at these meetings concerned the overconcentration of licensed and unlicensed facilities and homes and problems of parking, noise and incompatibility with the neighborhood caused by particular facilities. The community also recognized that such an ordinance might impact their own homes as well as sober living homes. For example, they wanted to know if the ordinance would prevent homeowners from renting their homes to tenants.

On **March 17, 2009**, Planning Department staff met with owners and operators of sober living homes, community care facilities, and alcohol and drug recovery or treatment facilities and their representatives.

On **November 11, 2009**, Planning Department staff met with a smaller group of providers and representatives. Meeting attendees generally approved of the Planning Department's proposal to regulate residential facilities and alcohol/drug recovery or treatment facilities serving seven or more residents as public benefits.

Representatives recommended by the LAHD and providers reinforced staff's initial conclusion that the City should not attempt to regulate sober living homes, unless one is the source of nuisance activity. This is because residents of sober living homes living as a family must be treated the same as any other family.

On **November 20, 2009**, Planning Department staff met with the Department of Building and Safety (DBS). Attendees agreed that the definition of family should not be amended, and that facilities for seven or more residents should be regulated as public benefits.

Based on the extensive research and input from all interested parties, stakeholders, and City departments noted above, staff concluded that the proposed ordinance (Appendix A) would best serve the public interest.

## **Part II: Review of Proposed Ordinance**

The four components of the proposed ordinance are: definitions, regulation of facilities serving six or fewer residents, regulation of facilities serving seven or more, and technical corrections.

### ***Definitions***

The California Health and Safety Code is the source of the following five definitions added to the LAMC:

- Alcohol/Drug Recovery or Treatment Facility. Any premises, place, or building that provides 24-hour residential nonmedical services to adults who are recovering from problems related to alcohol, drug, or alcohol and drug misuse or abuse, and who need alcohol, drug, or alcohol and drug recovery treatment or detoxification services.
- Community Care Facility. Any facility, place, or building that is maintained and operated to provide nonmedical residential care, including, but not limited to, the physically handicapped, mentally impaired, and incompetent persons. Community Care Facility includes Residential Facility, Foster Family Home, and Small Family Home.
- Foster Family Home. Any residential facility providing 24-hour care for six or fewer foster children that is owned, leased, or rented and is the residence of the foster parent or parents, including their family, in whose care the foster children have been placed.
- Residential Facility. Any family home, group care facility, or similar facility for 24-hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining activities of daily living or for the protection of the individual, not including facilities for elderly persons.
- Small Family Home. Any residential facility in the licensee's family residence providing 24-hour a day care for six or fewer foster children who have mental disorders or developmental or physical disabilities and who require special care and supervision as a result of their disabilities.

***Facilities for six or fewer residents***

As mandated by the Community Care Facilities Act and California Health and Safety Code regarding Alcohol/Drug Recovery or Treatment Facilities, the City's current practice conforms to state law by permitting facilities for six or fewer residents in all agricultural (A), residential (R), and commercial (C) zones. The applicable facilities include: Alcohol/Drug Recovery or Treatment Facilities, Foster Family Homes, Residential Facilities and Small Family Homes. The latter three are all classified as "Community Care Facilities." The proposed ordinance will not change City practice, but codifies this practice, clarifies the process for staff and applicants, and facilitates ready access to the correct procedure.

***Facilities for seven or more residents***

The proposed ordinance adds facilities serving seven or more residents to the "public benefits" section of the LAMC. The applicable facilities include: Alcohol/Drug Recovery or Treatment Facilities and Residential Facilities. Since Foster Family Homes and Small Family Homes serve six or fewer residents, they are not included.

Public benefits are uses permitted through a ministerial process that do not require a public hearing or letter of determination. These uses are permitted in the designated zones if the use meets specified performance standards. If the use does not meet these performance standards, the applicant may seek approval through an alternative compliance process requiring a hearing and Director of Planning's determination similar to the conditional use process.

These facilities provide a benefit to the public by serving members of the City's community who are in need of special care. The advantages of regulating these facilities as public benefits are twofold. First, it holds all such facilities to standards that protect both the community and the residents to ensure that the residential quality of the neighborhood is maintained. Second, it is a ministerial process and thus does not place an undue burden on City staff and permits staff to focus attention on abating and eliminating problems when they do arise.

Recognizing that many homeless people in Los Angeles are mentally or physically disabled, this proposed ordinance serves the City's housing goals and objectives to prevent homelessness by providing appropriate facilities for people who otherwise would be in danger of becoming homeless. The community as a whole benefits by being assured that people in need have a safe regulated environment in which to live and receive services.

These facilities would be held to the following seven performance standards:

- **Parking**
  - Alcohol/Drug Recovery or Treatment Facilities serving seven or more residents must provide one onsite parking space for each resident. Thus, any such facility would have a minimum of seven onsite spaces.

- Residential Facilities serving seven or more residents must provide at least two parking onsite spaces. Since only staff and, typically, not residents have vehicles, the required number of onsite spaces would increase incrementally at the rate of 0.2 per resident. Thus, a facility for seven to 12 residents would require two spaces, a facility with 13 to 17 residents would require three spaces, and a facility with 18 to 22 residents, four spaces, and so on.
- **Access**
  - The use must avoid interference with traffic by providing access through driveways and/or loading docks for deliveries and pickups.
- **Noise**
  - The use must conform to the City's noise regulations; any household noise or music shall avoid disturbing adjacent residents.
- **Residential character**
  - The existing residential character of the building and site shall be maintained, including the exterior façade, landscaping, fences, walls, lawn areas, and driveways.
- **Night Lighting**
  - Security night lighting shall not impact adjacent residential properties.
- **Peaceful enjoyment**
  - The use shall not create disruption or interference with the peaceful enjoyment of adjoining and neighborhood properties.
- **Density**
  - Occupancy is limited to two residents per bedroom. Therefore, facilities for seven or more residents must have at least four bedrooms.

### ***Technical Corrections***

Staff recommends deleting two existing LAMC provisions that are redundant, unnecessary, and conflict with state law and the proposed ordinance. The deleted provisions concern foster care homes and the location of "hospitals, sanitariums and clinics for mental, or drug or liquor addict cases" near schools.

### **Part III: Analysis and Discussion**

The Planning Department's report of July 24, 2008 contained an initial finding that "sober living homes can only be regulated as part of a general category of unlicensed group residential homes. A regulation targeted solely at sober living homes would be considered discriminatory and therefore unconstitutional." The report also found that "if an unlicensed group residential home operates as a business in a residential zone then it may be regulated." Based on these initial findings, the Planning Department proposed to review various options, which included "criteria for determining when an unlicensed group residential home is operating as a business" and the feasibility of "a conditional use permit requirement for an unlicensed group residential home operating as a business."

The Planning Department subsequently investigated these options and evaluated their impacts and practicality with outside stakeholders and experts in the field, Zoning Administrators, and enforcement staff with the Department of Building and Safety. As discussed in this third part of staff's report, the Planning Department then concluded that standards could not be developed that would consistently and objectively distinguish between group residential homes operating as businesses and unrelated individuals living in a single dwelling unit as a family. Without objective standards, consistent and effective enforcement is impossible. Furthermore, establishing a conditional use requirement would be cumbersome, extremely costly, and would not address the community's central concern of abating and eliminating nuisance activity.

Part III has the following components: Introduction, Definition of Family, Sober Living Homes, Overconcentration, and Nuisance Abatement.

#### ***Introduction***

A central principle of land use policy is that the City regulates **how** a property is used, but not **who uses** the property or **who owns** the property. The criteria for land use regulation must be objective and unbiased, applicable to all persons, whether disabled or not, whether related or not, and whether the property is owned by an individual or a corporation.

The City's exclusive concern is whether the dwelling unit is occupied by a family. If so, the use is permitted in any zone in which residential units are permitted.

#### ***Definition of Family***

For land use and zoning purposes, the definition of family determines the type of household that may reside in a zone permitting residential uses. Definitions of family including a requirement that members of the household are related (whether by blood, marriage or adoption) are illegal. The constitutional right to privacy, which has consistently been upheld by the courts, prevents local governments from requesting information as to whether the residents of a dwelling unit are related or not.

A study commissioned by the City of Los Angeles Housing Department (LAHD) in 2002 stated, "In 1980, the California Supreme Court in *City of Santa Barbara v. Adamson*, struck down a municipal ordinance that permitted any number of related people to live in a house in an R1 zone but limited the number of unrelated people who were allowed to do so to five. . . . The Court held that the residents of the Adamson household were a single housekeeping unit that could be termed an alternative family. . . . As a single housekeeping unit or alternative family, the Adamson household could not be excluded from the single family zone nor made to apply for a conditional use permit" (*Fair Housing Impediments Study: How Land Use and Zoning Regulations and Practices Impact Housing for Individuals with Disabilities, Final Report, 11/2002. Prepared by Kim Savage under LAHD contract*).

When this fair housing report was written, the LAMC's definition of family was "[a]n individual or two or more persons related by blood or marriage, or a group of not more than 5 persons (excluding servants) who need not be related by blood or marriage, living together in a dwelling unit . . ." This was illegal and discriminatory.

In 2006, the definition of family in the LAMC was amended to read as follows: "One or more persons living together in a dwelling unit, with common access to, and common use of all living, kitchen, and eating areas within the dwelling unit."

Staff considered alternative amendments to this definition as a way to regulate sober living homes as unlicensed group residential uses, and found that every alternative definition was fatally flawed. Every alternative considered was illegal, unenforceable, or discriminatory. In particular, some were too broad in their impact, such that several individuals living as roommates would be prohibited. Other definitions, such as ones that require investigation of who uses what rooms or facilities in the household, are unenforceable.

Since the current LAMC definition of family meets all legal criteria and is enforceable, the proposed ordinance does not amend it.

### ***Sober Living Homes***

Sober living homes provide group living arrangements for persons recovering from alcoholism or drug addiction but provide no care or supervision and are not licensed by the state. The proposed ordinance would not regulate them for reasons described in the previous section on "definition of family," and also because:

- **The City opposes any discrimination against the disabled.** Persons recovering from alcohol and drug addiction are considered to be disabled and are protected from discrimination by the Americans with Disabilities Act and the Federal Fair Housing Act. Cities may not treat residents of sober living homes differently from or less favorably than those of other group living arrangements. Local governments are explicitly prohibited from administering zoning procedures in a manner that subjects persons with disabilities, such as

residents of sober living homes, to discrimination on the basis of their disability. Thus, any zoning or land use ordinance that treats sober living homes and their residents differently and less favorably than other single family residences in any zone would be discriminatory.

- **Overly broad impacts and enforcement difficulties impede regulation of sober living homes as businesses.** Planning Department staff considered the possibility of regulating sober living homes operating as businesses in residential zones and found no clear and quantifiable way of distinguishing between a single family home and a sober living home with business-like features. Any proposed marker of a business, such as the presence of a live-in caretaker in a group residential home, can also be true of a family that hires a nanny or gardener. Any prohibition against homes operating as businesses in a residential area would have a much broader impact than intended, since homeowners who rent their homes to tenants would of necessity also be regulated or prohibited in order to avoid charges of discrimination against the disabled. Without clear, quantifiable, and measureable distinctions, the Department of Building and Safety has stated that it would be difficult to enforce any amendments of LAMC attempting to regulate sober living homes with business-like features that also may be true of other homes.

### ***Overconcentration***

Proliferation and overconcentration of special needs housing is of particular concern to the community. The proposed ordinance recognizes that maintaining and preserving the residential character of the neighborhood is of benefit for all concerned, both the residents of special needs housing and their neighbors.

State law says, "it is the policy of the state to prevent overconcentration of residential care facilities that impair the integrity of residential neighborhoods." This policy, which is enforced by the state, requires that community care facilities must be located more than 300 feet from each other.

State law preempts City regulation, and this proposed ordinance relies on state distance requirements and state enforcement regarding overconcentration.

### ***Administrative Nuisance Abatement***

Community members have identified certain sober living homes as the source of problems, such as, excessive noise, panhandling, secondhand smoke, aggressive behavior, foul language, traffic congestion, and parking problems. All concerned parties, including community and providers, agree that communities should not be subject to nuisance activity.

The City's Nuisance Abatement ordinance authorizes, "the City's zoning authorities to protect the public peace, health and safety from any land use which becomes a

nuisance; [and] adversely affects the health, peace or safety of persons residing or working in the surrounding area . . . .”

Neighbors may bring complaints that a land use (either commercial or residential) is creating a nuisance to the attention of the Office of Zoning Administration through their Council district office or other means. The Nuisance Abatement Unit is assigned to investigate. If the investigation warrants, the Director of Planning files a case against the owner and operator of this land use. After a public hearing, the Director may impose conditions if he or she finds that the land use is creating a nuisance. In subsequent hearings, the Director has the power to impose stronger conditions and revoke the use if necessary.

The nuisance abatement procedure is far preferable to establishing a new and costly discretionary permitting procedure, since the vast majority of special needs housing uses, both licensed and unlicensed, are well integrated into their surrounding neighborhoods and do not cause problems. A discretionary permitting procedure could be abused to prevent the proper location of well-run special needs housing, which meets important housing needs for a population at risk, and furthermore it would not resolve the problem if such residences become nuisance locations.

The administrative nuisance abatement procedure is the most direct and cost-effective approach to addressing neighborhood concerns should special needs housing contribute to excessive noise, loitering, parking problems or other activities negatively impacting a neighborhood.

The City Planning Department's Administrative Nuisance Abatement Unit has successfully contributed to mitigating and eliminating problems throughout the City. If a particular sober living home is identified as the source of nuisance activity, the nuisance abatement process is recommended as the most effective means to abate or eliminate that activity.

## **CONCLUSION**

The Department of City Planning recognizes the importance of maintaining the quality of life in the City's single-family neighborhoods while supporting the de-institutionalizing of persons with special needs and encouraging their placement in homes in residential neighborhoods as favored by federal and state policy.

The proposed ordinance brings the Los Angeles Municipal Code (LAMC) into conformance with the California Community Care Facilities Act and state law regarding Alcohol/Drug Recovery or Treatment Facilities. It adds definitions to the LAMC and codifies state law requiring that facilities for six or fewer residents are zoned as single family residences. It also permits facilities for seven or more residents as public benefits in the same zones if the use meets all required performance standards, such as requirements for onsite parking, drop off and loading access, density limits, and standards regarding lighting, noise, and exterior appearance.

## APPENDIX A

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

A proposed ordinance amending Sections 12.03, 12.05, 12.07, 12.07.01, 12.07.1, 12.08, 12.08.1, 12.08.3, 12.08.5, 12.09.1, 12.10, 12.12.2, 12.21, 12.24, and 14.00 of the Los Angeles Municipal Code (LAMC) regarding Community Care Facilities and Alcohol/Drug Recovery or Treatment Facilities to bring the LAMC into conformity with state law and to regulate these facilities as public benefits to preserve and maintain the residential quality of neighborhoods.

**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 to delete or add the following terms alphabetically:

**ALCOHOL/DRUG RECOVERY OR TREATMENT FACILITY.** Any premises, place, or building, licensed by the State of California, that provides 24-hour residential nonmedical services to adults who are recovering from problems related to alcohol, drug, or alcohol and drug misuse or abuse, and who need alcohol, drug, or alcohol and drug recovery treatment or detoxification services; as defined in Section 11834.02. (a) of the State of California Health and Safety Code.

**COMMUNITY CARE FACILITY.** Any facility, place, or building, licensed by the State of California, that is maintained and operated to provide nonmedical residential care, including, but not limited to, the physically handicapped, mentally impaired, and incompetent persons. Community Care Facility includes Residential Facility, Foster Family Home, and Small Family Home.

~~**FOSTER CARE HOME.** A dwelling unit in which full-time care is provided for unrelated children, 16 years of age or under, as part of the family, when such use is licensed by the State of California or other agency designated by the State as a full-time foster home. Foster care children may be in addition to those permitted under the definition of "Family" contained in this section.~~

**FOSTER FAMILY HOME.** Any residential facility, licensed by the State of California, providing 24-hour care for six or fewer foster children that is owned, leased, or rented and is the residence of the foster parent or parents, including their family, in whose care the foster children have been placed; as defined in Section 1502 of the State of California Health and Safety Code.

**RESIDENTIAL FACILITY.** Any family home, group care facility, or similar facility, licensed by the State of California, for 24-hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual, not including facilities for elderly persons; as

defined, slightly modified, in Section 1502 of the State of California Health and Safety Code.

**SMALL FAMILY HOME.** Any residential facility, licensed by the State of California, in the licensee's family residence providing 24-hour a day care for six or fewer foster children who have mental disorders or developmental or physical disabilities and who require special care and supervision as a result of their disabilities; as defined in Section 1502 of the State of California Health and Safety Code.

**Sec. 2.** New paragraphs 17 and 18 are hereby added to Subsection A of Section 12.05 to read as follows:

17. Alcohol/drug recovery or treatment facilities for six or fewer residents.

18. Community care facilities for six or fewer residents.

**Sec. 3.** New Paragraphs 15 and 16 are hereby added to Subsection A of Section 12.07 to read as follows:

15. Alcohol/drug recovery or treatment facilities for six or fewer residents.

16. Community care facilities for six or fewer residents.

**Sec. 4.** New Paragraphs 10 and 11 are hereby added to Subsection A of Section 12.07.01 to read as follows:

10. Alcohol/drug recovery or treatment facilities for six or fewer residents.

11. Community care facilities for six or fewer residents.

**Sec. 5.** New Paragraphs 10 and 11 are hereby added to Subsection A of Section 12.07.1 to read as follows:

10. Alcohol/drug recovery or treatment facilities for six or fewer residents.

11. Community care facilities for six or fewer residents.

**Sec. 6.** New Paragraphs 10 and 11 are hereby added to Subsection A of Section 12.08 to read as follows:

10. Alcohol/drug recovery or treatment facilities for six or fewer residents.

11. Community care facilities for six or fewer residents.

**Sec. 7.** New Paragraphs 7 and 8 are hereby added to Subsection B of Section 12.08.1 to read as follows:

7. Alcohol/drug recovery or treatment facilities for six or fewer residents.

8. Community care facilities for six or fewer residents.

**Sec. 8.** New Paragraphs 8 and 9 are hereby added to Subsection B of Section 12.08.3 to read as follows:

8. Alcohol/drug recovery or treatment facilities for six or fewer residents.

9. Community care facilities for six or fewer residents.

**Sec. 9.** New Paragraphs 6, 7, 8, 9, and 10 are hereby added to Subsection B of Section 12.08.5 to read as follows:

6. Alcohol/drug recovery or treatment facilities for six or fewer residents.

7. Community care facilities for six or fewer residents.

**Sec. 10.** New Paragraphs 12 and 13 are hereby added to Subsection A of Section 12.09.1 to read as follows:

12. Alcohol/drug recovery or treatment facilities for six or fewer residents.

13. Community care facilities for six or fewer residents.

**Sec. 11.** New Paragraphs 7 and 8 are hereby added to Subsection B of Section 12.09.5 to read as follows:

7. Alcohol/drug recovery or treatment facilities for six or fewer residents.

8. Community care facilities for six or fewer residents.

**Sec. 12.** New Paragraphs 13 and 14 are hereby added to Subsection A of Section 12.10 to read as follows:

13. Alcohol/drug recovery or treatment facilities for six or fewer residents.

14. Community care facilities for six or fewer residents.

**Sec. 13.** New Paragraphs 13 and 14 are hereby added to Subsection A of Section 12.12 to read as follows:

13. Alcohol/drug recovery or treatment facilities for six or fewer residents.

14. Community care facilities for six or fewer residents.

**Sec. 14.** New Paragraphs 15 and 16 are hereby added to Subsection A of Section 12.12.2 to read as follows:

15. Alcohol/drug recovery or treatment facilities for six or fewer residents.

16. Community care facilities for six or fewer residents.

**Sec. 15.** New Sub-subparagraph (6) is added to Subparagraph (d) of Paragraph 4 of Subsection A of Section 12.21 to read as follows:

(6) Any residential facility or alcohol/drug recovery or treatment facility for seven or more residents shall meet the following requirements:

Each facility	Minimum of two spaces
Alcohol/drug recovery or treatment facility	1 space per resident bed
Residential facility	0.2 space per resident bed

**Sec 16.** Delete Subsection D of Section 12.21.

~~D. Location Of Hospitals. No hospital, sanitarium or clinic for mental, or drug or liquor addict cases shall be established or maintained on any property within 600 feet of the property on which an elementary or high school is being maintained.~~

**Sec. 17.** Delete Paragraph 9 of Subsection X of Section 12.24.

~~9. Foster Care Homes. Notwithstanding any other provision of this chapter, any person may, with the express written permission of a Zoning Administrator and subject to the following limitations, use a dwelling unit for the operation of:~~

~~(a) A foster care home occupied by a total of five or six children in the A, R, CR, C1 or C1.5 Zones; provided that the total number of persons (including servants) living in any dwelling unit used as a foster care home shall not exceed eight; or~~

~~(b) Limitations.~~

~~(1) The floor space of any dwelling unit used as a foster care home shall not be increased for that use and the floor space shall not be arranged so that it would reasonably preclude the use of the buildings for purposes otherwise permitted in the zone in which the property is located.~~

~~(2) No permission for the operation of a foster care home shall become valid unless it is licensed for foster care use by the State of California, or other agency designated by the State, and the operation shall not be valid for more than one year.~~

~~(c) Procedures. An application for permission pursuant to this subdivision shall follow the procedures for adjustments set forth in Section 12.28C1, 2 and 3.~~

**Sec 18.** Subsection A of Section 14.00 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 removed from the land when the land is no longer used as a public benefit.

If the use fails to operate in accord with the stated performance standards the Director can modify the conditions of operation or discontinue the use.

**Sec. 19.** A new Paragraph 10 is hereby added to Subsection A of Section 14.00 to read as follows:

**10. Alcohol/drug recovery or treatment facilities for seven or more residents and residential facilities for seven or more residents in the A, R, and C zones.**

**(a) Performance standards:**

(1) The use meets the parking requirements of Section 12.21A(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 conforms to 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 shall be 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 will not create an unreasonable level of disruption or interference with the peaceful enjoyment of adjoining and neighborhood properties;

(7) Occupancy is limited to no more than two (2) residents per bedroom.

(b) **Purposes:** Residential facilities and alcohol/drug recovery or treatment facilities 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 bedroom is limited in order to keep density within acceptable limits.

**Sec 20.** The City Clerk shall certify ...

## **ATTACHMENT 1 - FINDINGS**

## LAND USE FINDINGS

### Charter Section 556:

1. *In accordance with Charter Section 566, the proposed ordinance (Appendix A) is in substantial conformance with the purposes, intent and provisions of the General Plan in that it will:*

support **Goal 1** of the City's Housing Element to create a "City where housing production and preservation result in an adequate supply of ownership and rental housing that is safe, healthy, sanitary, and affordable to people of all income levels, races, ages, and suitable for their various needs" and further support **Objective 1.5** to "[r]educe regulatory and procedural barriers to the production and preservation of housing at all income levels and needs" by identifying appropriate zones to locate alcohol/drug recovery or treatment facilities and community care facilities serving persons with special needs; and

support **Goal 3** of the City's Housing Element to create a "City where there are housing opportunities for all without discrimination" and to further support **Objective 3.1** to "[a]ssure that housing opportunities are accessible to all residents without discrimination on the basis of race, ancestry, sex, national origin, color, religion, sexual orientation, marital status, familial status, age, disability (including HIV/AIDS), and student status" by identifying appropriate zones to locate alcohol/drug recovery or treatment facilities and community care facilities serving the disabled and other persons with special needs; and

support **Goal 3** of the City's Housing Element to create a "City where there are housing opportunities for all without discrimination" and to further support **Objective 3.2** to "[p]romote fair housing practices and accessibility among residents, community stakeholders and those involved in the production, preservation, and operation of housing" by identifying appropriate zones to locate alcohol/drug recovery or treatment facilities and community care facilities serving the disabled and other persons with special needs; and

support **Goal 4** of the City's Housing Element to create a "City committed to ending and preventing homelessness" and to further support **Objective 4.1** to "[p]rovide an adequate supply of short-term and permanent housing and services throughout the City that are appropriate and meet the special needs of persons who are homeless or who are at high risk of homelessness" by identifying appropriate zones to locate alcohol/drug recovery or treatment facilities and community care facilities for persons who are in danger of becoming homeless; and to further support **Policy 4.1.6** to "[e]liminate zoning and other regulatory barriers to the placement and operation of housing facilities for the homeless and special needs populations in appropriate locations throughout the City" by permitting community care facilities serving six or

fewer residents by right in single-family zones and as a public benefit for those community care facilities serving seven or more residents.

**Charter Section 558 (b) (2):**

*2. In accordance with Charter Section 558(b)(2), the proposed ordinance (Appendix A) will be in conformity with public necessity, convenience, general welfare and good zoning practice in that it will:*

create clear and consistent rules and regulations for locating community care facilities and alcohol/drug recovery or treatment facilities in the City; allow such facilities in appropriate zones; bring the Los Angeles Municipal Code into conformance with state law; establish clear standards to preserve the integrity of single family neighborhoods; and provide a comprehensive package to address the growing need for community care facilities and alcohol/drug recovery or treatment facilities.

**ENVIRONMENTAL FINDING**

A Negative Declaration, ENV-2009-801-ND, was published on this matter on March 19, 2009, and it was determined that this project will not have a significant effect on the environment (Attachment 2). An addendum to the Negative Declaration was issued on November 19, 2009 (Attachment 3) to address all changes to the proposed ordinance from its original CEQA publication.

**ATTACHMENT 2 – CEQA NEGATIVE DECLARATION**

CITY OF LOS ANGELES  
 OFFICE OF THE CITY CLERK  
 ROOM 395, CITY HALL  
 LOS ANGELES, CALIFORNIA 90012  
 CALIFORNIA ENVIRONMENTAL QUALITY ACT  
**NEGATIVE DECLARATION**

<b>LEAD CITY AGENCY</b> CITY OF LOS ANGELES	<b>COUNCIL DISTRICT</b> CITYW
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<b>PROJECT TITLE</b> ENV-2009-801-ND	<b>CASE NO.</b> CPC-2009-800-CA
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**PROJECT LOCATION**  
N/A N/A

**PROJECT DESCRIPTION**  
 A proposed ordinance amending Sections 12.03, 12.05, 12.07, 12.07.01, 12.07.1, 12.08, 12.08.1, 12.08.3, 12.08.5, 12.09.1, 12.10, 12.12.2, 12.17.5, and 12.24 of the Los Angeles Municipal Code (LAMC) to regulate licensed community care facilities and unlicensed special needs housing operating as businesses in residential zones., add new definitions to the LAMC and amend others, require specified uses to obtain a conditional use permit to operate in residential zones in conformance with the character of the neighborhood and with State law, and permit specified uses with seven or more residents in multifamily zones if performance standards of a public benefit are met.

No development is proposed as part of the project. No change in land use, density, or intensity is proposed as part of this project.

**NAME AND ADDRESS OF APPLICANT IF OTHER THAN CITY AGENCY**  
 Department of City Planning  
 200 North Spring Street  
 Los Angeles, CA 90012

**FINDING:**  
 The City Planning Department of the City of Los Angeles has Proposed that a negative declaration be adopted for this project. The Initial Study indicates that no significant impacts are apparent which might result from this project's implementation. This action is based on the project description above.

Any written comments received during the public review period are attached together with the response of the Lead City Agency. The project decision-maker may adopt this negative declaration, amend it, or require preparation of an EIR. Any changes made should be supported by substantial evidence in the record and appropriate findings made.

THE INITIAL STUDY PREPARED FOR THIS PROJECT IS ATTACHED.

<b>NAME OF PERSON PREPARING THIS FORM</b>  TANNER BLACKMAN	<b>TITLE</b>  CITY PLANNING ASSISTANT	<b>TELEPHONE NUMBER</b>  (213) 978-1353
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<b>ADDRESS</b>  200 N. SPRING STREET, 7th FLOOR LOS ANGELES, CA. 90012	<b>SIGNATURE (Official)</b>  	<b>DATE</b>  3/17/09
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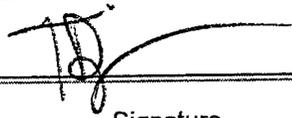
**CITY OF LOS ANGELES**  
OFFICE OF THE CITY CLERK  
ROOM 395, CITY HALL  
LOS ANGELES, CALIFORNIA 90012  
**CALIFORNIA ENVIRONMENTAL QUALITY ACT**  
**INITIAL STUDY**  
**and CHECKLIST**  
(CEQA Guidelines Section 15063)

<b>LEAD CITY AGENCY:</b> CITY OF LOS ANGELES	<b>COUNCIL DISTRICT:</b> CITYW	<b>DATE:</b> 03/13/2009
<b>RESPONSIBLE AGENCIES:</b> CITY OF LOS ANGELES		
<b>ENVIRONMENTAL CASE:</b> ENV-2009-801-ND	<b>RELATED CASES:</b> CPC-2009-800-CA	
<b>PREVIOUS ACTIONS CASE NO.:</b>	<input type="checkbox"/> Does have significant changes from previous actions. <input checked="" type="checkbox"/> Does NOT have significant changes from previous actions.	
<b>PROJECT DESCRIPTION:</b> CODE AMENDMENT TO REGULATE VARIOUS SPECIAL NEEDS HOUSING		
<b>ENV PROJECT DESCRIPTION:</b> A proposed ordinance amending Sections 12.03, 12.05, 12.07, 12.07.01, 12.07.1, 12.08, 12.08.1, 12.08.3, 12.08.5, 12.09.1, 12.10, 12.12.2, 12.17.5, and 12.24 of the Los Angeles Municipal Code (LAMC) to regulate licensed community care facilities and unlicensed special needs housing operating as businesses in residential zones., add new definitions to the LAMC and amend others, require specified uses to obtain a conditional use permit to operate in residential zones in conformance with the character of the neighborhood and with State law, and permit specified uses with seven or more residents in multifamily zones if performance standards of a public benefit are met.  No development is proposed as part of the project. No change in land use, density, or intensity is proposed as part of this project.		
<b>ENVIRONMENTAL SETTINGS:</b> The City of Los Angeles is the second largest city in the United States by population with an estimated 3.9 million residents. The city's boundaries cover a total area of 498.3 square miles (1,291 km <sup>2</sup> ), comprising 469.1 square miles (1,214.9 km <sup>2</sup> ) of land and 29.2 square miles (75.7 km <sup>2</sup> ) of water, reflecting a diverse terrain of urbanized areas, beaches, mountains, and valleys. The City of Los Angeles is divided into 15 City Council districts and 35 Community Plan Areas.  No development is proposed as part of the project. No change in land use, density, or intensity is proposed as part of this project.		
<b>PROJECT LOCATION:</b> N/A N/A		
<b>COMMUNITY PLAN AREA:</b> CITYWIDE <b>STATUS:</b>  <input checked="" type="checkbox"/> Does Conform to Plan <input type="checkbox"/> Does NOT Conform to Plan	<b>AREA PLANNING COMMISSION:</b> CITYWIDE	<b>CERTIFIED NEIGHBORHOOD COUNCIL:</b> CITYWIDE
<b>EXISTING ZONING:</b>	<b>MAX. DENSITY/INTENSITY ALLOWED BY ZONING:</b> N/A	<b>LA River Adjacent:</b> NO
<b>GENERAL PLAN LAND USE:</b>	<b>MAX. DENSITY/INTENSITY ALLOWED BY PLAN DESIGNATION:</b> N/A	
	<b>PROPOSED PROJECT DENSITY:</b> N/A	

## Determination (To Be Completed By Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions on the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Signature

CITY PLANNING ASSISTANT

Title

(213) 978-1353

Phone

### Evaluation Of Environmental Impacts:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of a mitigation measure has reduced an effect from "Potentially Significant Impact" to "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analysis," cross referenced).
5. Earlier analysis must be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR, or negative declaration. Section 15063 (c)(3)(D). In this case, a brief discussion should identify the following:
  - a. Earlier Analysis Used. Identify and state where they are available for review.
  - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c. Mitigation Measures. For effects that are "Less Than Significant With Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated
7. Supporting Information Sources: A sources list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whichever format is selected.
9. The explanation of each issue should identify:
  - a. The significance criteria or threshold, if any, used to evaluate each question; and
  - b. The mitigation measure identified, if any, to reduce the impact to less than significance.

## Environmental Factors Potentially Affected:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input type="checkbox"/> AESTHETICS <input type="checkbox"/> AGRICULTURAL RESOURCES <input type="checkbox"/> AIR QUALITY <input type="checkbox"/> BIOLOGICAL RESOURCES <input type="checkbox"/> CULTURAL RESOURCES <input type="checkbox"/> GEOLOGY AND SOILS	<input type="checkbox"/> HAZARDS AND HAZARDOUS MATERIALS <input type="checkbox"/> HYDROLOGY AND WATER QUALITY <input type="checkbox"/> LAND USE AND PLANNING <input type="checkbox"/> MINERAL RESOURCES <input type="checkbox"/> NOISE <input type="checkbox"/> POPULATION AND HOUSING	<input type="checkbox"/> PUBLIC SERVICES <input type="checkbox"/> RECREATION <input type="checkbox"/> TRANSPORTATION/CIRCULATION <input type="checkbox"/> UTILITIES <input type="checkbox"/> MANDATORY FINDINGS OF SIGNIFICANCE
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<b>INITIAL STUDY CHECKLIST</b> (To be completed by the Lead City Agency)	
<i>Background</i>	
<b>PROPONENT NAME:</b> Department of City Planning	<b>PHONE NUMBER:</b> (213) 978-1353
<b>APPLICANT ADDRESS:</b> 200 North Spring Street Los Angeles, CA 90012	<b>DATE SUBMITTED:</b> 03/12/2009
<b>AGENCY REQUIRING CHECKLIST:</b> DEPARTMENT OF CITY PLANNING	
<b>PROPOSAL NAME (if Applicable):</b> Special Needs Housing Ordinance	

Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
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<b>I. AESTHETICS</b>				
a.	HAVE A SUBSTANTIAL ADVERSE EFFECT ON A SCENIC VISTA?			✓
b.	SUBSTANTIALLY DAMAGE SCENIC RESOURCES, INCLUDING, BUT NOT LIMITED TO, TREES, ROCK OUTCROPPINGS, AND HISTORIC BUILDINGS, OR OTHER LOCALLY RECOGNIZED DESIRABLE AESTHETIC NATURAL FEATURE WITHIN A CITY-DESIGNATED SCENIC HIGHWAY?			✓
c.	SUBSTANTIALLY DEGRADE THE EXISTING VISUAL CHARACTER OR QUALITY OF THE SITE AND ITS SURROUNDINGS?			✓
d.	CREATE A NEW SOURCE OF SUBSTANTIAL LIGHT OR GLARE WHICH WOULD ADVERSELY AFFECT DAY OR NIGHTTIME VIEWS IN THE AREA?		✓	
<b>II. AGRICULTURAL RESOURCES</b>				
a.	CONVERT PRIME FARMLAND, UNIQUE FARMLAND, OR FARMLAND OF STATEWIDE IMPORTANCE, AS SHOWN ON THE MAPS PREPARED PURSUANT TO THE FARMLAND MAPPING AND MONITORING PROGRAM OF THE CALIFORNIA RESOURCES AGENCY, TO NON-AGRICULTURAL USE?			✓
b.	CONFLICT THE EXISTING ZONING FOR AGRICULTURAL USE, OR A WILLIAMSON ACT CONTRACT?			✓
c.	INVOLVE OTHER CHANGES IN THE EXISTING ENVIRONMENT WHICH, DUE TO THEIR LOCATION OR NATURE, COULD RESULT IN CONVERSION OF FARMLAND, TO NON-AGRICULTURAL USE?			✓
<b>III. AIR QUALITY</b>				
a.	CONFLICT WITH OR OBSTRUCT IMPLEMENTATION OF THE SCAQMD OR CONGESTION MANAGEMENT PLAN?			✓
b.	VIOLATE ANY AIR QUALITY STANDARD OR CONTRIBUTE SUBSTANTIALLY TO AN EXISTING OR PROJECTED AIR QUALITY VIOLATION?			✓
c.	RESULT IN A CUMULATIVELY CONSIDERABLE NET INCREASE OF ANY CRITERIA POLLUTANT FOR WHICH THE AIR BASIN IS NON-ATTAINMENT (OZONE, CARBON MONOXIDE, & PM 10) UNDER AN APPLICABLE FEDERAL OR STATE AMBIENT AIR QUALITY STANDARD?			✓
d.	EXPOSE SENSITIVE RECEPTORS TO SUBSTANTIAL POLLUTANT CONCENTRATIONS?			✓
e.	CREATE OBJECTIONABLE ODORS AFFECTING A SUBSTANTIAL NUMBER OF PEOPLE?			✓
<b>IV. BIOLOGICAL RESOURCES</b>				
a.	HAVE A SUBSTANTIAL ADVERSE EFFECT, EITHER DIRECTLY OR THROUGH HABITAT MODIFICATION, ON ANY SPECIES IDENTIFIED AS A CANDIDATE, SENSITIVE, OR SPECIAL STATUS SPECIES IN LOCAL OR REGIONAL PLANS, POLICIES, OR REGULATIONS BY THE CALIFORNIA DEPARTMENT OF FISH AND GAME OR U.S. FISH AND WILDLIFE SERVICE ?			✓
b.	HAVE A SUBSTANTIAL ADVERSE EFFECT ON ANY RIPARIAN HABITAT OR OTHER SENSITIVE NATURAL COMMUNITY IDENTIFIED IN THE CITY OR REGIONAL PLANS, POLICIES, REGULATIONS BY THE CALIFORNIA DEPARTMENT OF FISH AND GAME OR U.S. FISH AND WILDLIFE SERVICE ?			✓
c.	HAVE A SUBSTANTIAL ADVERSE EFFECT ON FEDERALLY PROTECTED WETLANDS AS DEFINED BY SECTION 404 OF THE CLEAN WATER ACT (INCLUDING, BUT NOT LIMITED TO, MARSH VERNAL POOL, COASTAL, ETC.) THROUGH DIRECT REMOVAL, FILLING, HYDROLOGICAL INTERRUPTION, OR OTHER MEANS?			✓
d.	INTERFERE SUBSTANTIALLY WITH THE MOVEMENT OF ANY NATIVE RESIDENT OR MIGRATORY FISH OR WILDLIFE SPECIES OR WITH ESTABLISHED NATIVE RESIDENT OR MIGRATORY WILDLIFE CORRIDORS, OR IMPEDE THE USE OF NATIVE WILDLIFE NURSERY SITES?			✓

Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
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e.	CONFLICT WITH ANY LOCAL POLICIES OR ORDINANCES PROTECTING BIOLOGICAL RESOURCES, SUCH AS TREE PRESERVATION POLICY OR ORDINANCE (E.G., OAK TREES OR CALIFORNIA WALNUT WOODLANDS)?				✓
f.	CONFLICT WITH THE PROVISIONS OF AN ADOPTED HABITAT CONSERVATION PLAN, NATURAL COMMUNITY CONSERVATION PLAN, OR OTHER APPROVED LOCAL, REGIONAL, OR STATE HABITAT CONSERVATION PLAN?				✓
<b>V. CULTURAL RESOURCES</b>					
a.	CAUSE A SUBSTANTIAL ADVERSE CHANGE IN SIGNIFICANCE OF A HISTORICAL RESOURCE AS DEFINED IN STATE CEQA 15064.5?				✓
b.	CAUSE A SUBSTANTIAL ADVERSE CHANGE IN SIGNIFICANCE OF AN ARCHAEOLOGICAL RESOURCE PURSUANT TO STATE CEQA 15064.5?				✓
c.	DIRECTLY OR INDIRECTLY DESTROY A UNIQUE PALEONTOLOGICAL RESOURCE OR SITE OR UNIQUE GEOLOGIC FEATURE?				✓
d.	DISTURB ANY HUMAN REMAINS, INCLUDING THOSE INTERRED OUTSIDE OF FORMAL CEMETERIES?				✓
<b>VI. GEOLOGY AND SOILS</b>					
a.	EXPOSURE OF PEOPLE OR STRUCTURES TO POTENTIAL SUBSTANTIAL ADVERSE EFFECTS, INCLUDING THE RISK OF LOSS, INJURY OR DEATH INVOLVING : RUPTURE OF A KNOWN EARTHQUAKE FAULT, AS DELINEATED ON THE MOST RECENT ALQUIST-PRIOLO EARTHQUAKE FAULT ZONING MAP ISSUED BY THE STATE GEOLOGIST FOR THE AREA OR BASED ON OTHER SUBSTANTIAL EVIDENCE OF A KNOWN FAULT? REFER TO DIVISION OF MINES AND GEOLOGY SPECIAL PUBLICATION 42.				✓
b.	EXPOSURE OF PEOPLE OR STRUCTURES TO POTENTIAL SUBSTANTIAL ADVERSE EFFECTS, INCLUDING THE RISK OF LOSS, INJURY OR DEATH INVOLVING : STRONG SEISMIC GROUND SHAKING?				✓
c.	EXPOSURE OF PEOPLE OR STRUCTURES TO POTENTIAL SUBSTANTIAL ADVERSE EFFECTS, INCLUDING THE RISK OF LOSS, INJURY OR DEATH INVOLVING : SEISMIC-RELATED GROUND FAILURE, INCLUDING LIQUEFACTION?				✓
d.	EXPOSURE OF PEOPLE OR STRUCTURES TO POTENTIAL SUBSTANTIAL ADVERSE EFFECTS, INCLUDING THE RISK OF LOSS, INJURY OR DEATH INVOLVING : LANDSLIDES?				✓
e.	RESULT IN SUBSTANTIAL SOIL EROSION OR THE LOSS OF TOPSOIL?				✓
f.	BE LOCATED ON A GEOLOGIC UNIT OR SOIL THAT IS UNSTABLE, OR THAT WOULD BECOME UNSTABLE AS A RESULT OF THE PROJECT, AND POTENTIAL RESULT IN ON- OR OFF-SITE LANDSLIDE, LATERAL SPREADING, SUBSIDENCE, LIQUEFACTION, OR COLLAPSE?				✓
g.	BE LOCATED ON EXPANSIVE SOIL, AS DEFINED IN TABLE 18-1-B OF THE UNIFORM BUILDING CODE (1994), CREATING SUBSTANTIAL RISKS TO LIFE OR PROPERTY?				✓
h.	HAVE SOILS INCAPABLE OF ADEQUATELY SUPPORTING THE USE OF SEPTIC TANKS OR ALTERNATIVE WASTE WATER DISPOSAL SYSTEMS WHERE SEWERS ARE NOT AVAILABLE FOR THE DISPOSAL OF WASTE WATER?				✓
<b>VII. HAZARDS AND HAZARDOUS MATERIALS</b>					
a.	CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR THE ENVIRONMENT THROUGH THE ROUTINE TRANSPORT, USE, OR DISPOSAL OF HAZARDOUS MATERIALS?				✓
b.	CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR THE ENVIRONMENT THROUGH REASONABLY FORESEEABLE UPSET AND ACCIDENT CONDITIONS INVOLVING THE RELEASE OF HAZARDOUS MATERIALS INTO THE ENVIRONMENT?				✓

Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
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c.	EMIT HAZARDOUS EMISSIONS OR HANDLE HAZARDOUS OR ACUTELY HAZARDOUS MATERIALS, SUBSTANCES, OR WASTE WITHIN ONE-QUARTER MILE OF AN EXISTING OR PROPOSED SCHOOL?				✓
d.	BE LOCATED ON A SITE WHICH IS INCLUDED ON A LIST OF HAZARDOUS MATERIALS SITES COMPILED PURSUANT TO GOVERNMENT CODE SECTION 65962.5 AND, AS A RESULT, WOULD IT CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR THE ENVIRONMENT?				✓
e.	FOR A PROJECT LOCATED WITHIN AN AIRPORT LAND USE PLAN OR, WHERE SUCH A PLAN HAS NOT BEEN ADOPTED, WITHIN TWO MILES OF A PUBLIC AIRPORT OR PUBLIC USE AIRPORT, WOULD THE PROJECT RESULT IN A SAFETY HAZARD FOR PEOPLE RESIDING OR WORKING IN THE PROJECT AREA?				✓
f.	FOR A PROJECT WITHIN THE VICINITY OF A PRIVATE AIRSTRIP, WOULD THE PROJECT RESULT IN A SAFETY HAZARD FOR THE PEOPLE RESIDING OR WORKING IN THE AREA?				✓
g.	IMPAIR IMPLEMENTATION OF OR PHYSICALLY INTERFERE WITH AN ADOPTED EMERGENCY RESPONSE PLAN OR EMERGENCY EVACUATION PLAN?				✓
h.	EXPOSE PEOPLE OR STRUCTURES TO A SIGNIFICANT RISK OF LOSS, INJURY OR DEATH INVOLVING WILDLAND FIRES, INCLUDING WHERE WILDLANDS ARE ADJACENT TO URBANIZED AREAS OR WHERE RESIDENCES ARE INTERMIXED WITH WILDLANDS?				✓
<b>VIII. HYDROLOGY AND WATER QUALITY</b>					
a.	VIOLATE ANY WATER QUALITY STANDARDS OR WASTE DISCHARGE REQUIREMENTS?				✓
b.	SUBSTANTIALLY DEplete GROUNDWATER SUPPLIES OR INTERFERE WITH GROUNDWATER RECHARGE SUCH THAT THERE WOULD BE A NET DEFICIT IN AQUIFER VOLUME OR A LOWERING OF THE LOCAL GROUNDWATER TABLE LEVEL (E.G., THE PRODUCTION RATE OF PRE-EXISTING NEARBY WELLS WOULD DROP TO A LEVEL WHICH WOULD NOT SUPPORT EXISTING LAND USES OR PLANNED LAND USES FOR WHICH PERMITS HAVE BEEN GRANTED)?				✓
c.	SUBSTANTIALLY ALTER THE EXISTING DRAINAGE PATTERN OF THE SITE OR AREA, INCLUDING THROUGH THE ALTERATION OF THE COURSE OF A STREAM OR RIVER, IN A MANNER WHICH WOULD RESULT IN SUBSTANTIAL EROSION OR SILTATION ON- OR OFF-SITE?				✓
d.	SUBSTANTIALLY ALTER THE EXISTING DRAINAGE PATTERN OF THE SITE OR AREA, INCLUDING THROUGH THE ALTERATION OF THE COURSE OF A STREAM OR RIVER, OR SUBSTANTIALLY INCREASE THE RATE OR AMOUNT OF SURFACE RUNOFF IN A MANNER WHICH WOULD RESULT IN FLOODING ON- OR OFF SITE?				✓
e.	CREATE OR CONTRIBUTE RUNOFF WATER WHICH WOULD EXCEED THE CAPACITY OF EXISTING OR PLANNED STORMWATER DRAINAGE SYSTEMS OR PROVIDE SUBSTANTIAL ADDITIONAL SOURCES OF POLLUTED RUNOFF?				✓
f.	OTHERWISE SUBSTANTIALLY DEGRADE WATER QUALITY?				✓
g.	PLACE HOUSING WITHIN A 100-YEAR FLOOD PLAIN AS MAPPED ON FEDERAL FLOOD HAZARD BOUNDARY OR FLOOD INSURANCE RATE MAP OR OTHER FLOOD HAZARD DELINEATION MAP?				✓
h.	PLACE WITHIN A 100-YEAR FLOOD PLAIN STRUCTURES WHICH WOULD IMPEDE OR REDIRECT FLOOD FLOWS?				✓
i.	EXPOSE PEOPLE OR STRUCTURES TO A SIGNIFICANT RISK OF LOSS, INJURY OR DEATH INVOLVING FLOODING, INCLUDING FLOODING AS A RESULT OF THE FAILURE OF A LEVEE OR DAM?				✓
j.	INUNDATION BY SEICHE, TSUNAMI, OR MUDFLOW?				✓
<b>IX. LAND USE AND PLANNING</b>					
a.	PHYSICALLY DIVIDE AN ESTABLISHED COMMUNITY?				✓

Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
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b.	CONFLICT WITH APPLICABLE LAND USE PLAN, POLICY OR REGULATION OF AN AGENCY WITH JURISDICTION OVER THE PROJECT (INCLUDING BUT NOT LIMITED TO THE GENERAL PLAN, SPECIFIC PLAN, COASTAL PROGRAM, OR ZONING ORDINANCE) ADOPTED FOR THE PURPOSE OF AVOIDING OR MITIGATING AN ENVIRONMENTAL EFFECT?				✓
c.	CONFLICT WITH ANY APPLICABLE HABITAT CONSERVATION PLAN OR NATURAL COMMUNITY CONSERVATION PLAN?				✓
<b>X. MINERAL RESOURCES</b>					
a.	RESULT IN THE LOSS OF AVAILABILITY OF A KNOWN MINERAL RESOURCE THAT WOULD BE OF VALUE TO THE REGION AND THE RESIDENTS OF THE STATE?				✓
b.	RESULT IN THE LOSS OF AVAILABILITY OF A LOCALLY-IMPORTANT MINERAL RESOURCE RECOVERY SITE DELINEATED ON A LOCAL GENERAL PLAN, SPECIFIC PLAN, OR OTHER LAND USE PLAN?				✓
<b>XI. NOISE</b>					
a.	EXPOSURE OF PERSONS TO OR GENERATION OF NOISE IN LEVEL IN EXCESS OF STANDARDS ESTABLISHED IN THE LOCAL GENERAL PLAN OR NOISE ORDINANCE, OR APPLICABLE STANDARDS OF OTHER AGENCIES?				✓
b.	EXPOSURE OF PEOPLE TO OR GENERATION OF EXCESSIVE GROUNDBORNE VIBRATION OR GROUNDBORNE NOISE LEVELS?				✓
c.	A SUBSTANTIAL PERMANENT INCREASE IN AMBIENT NOISE LEVELS IN THE PROJECT VICINITY ABOVE LEVELS EXISTING WITHOUT THE PROJECT?				✓
d.	A SUBSTANTIAL TEMPORARY OR PERIODIC INCREASE IN AMBIENT NOISE LEVELS IN THE PROJECT VICINITY ABOVE LEVELS EXISTING WITHOUT THE PROJECT?				✓
e.	FOR A PROJECT LOCATED WITHIN AN AIRPORT LAND USE PLAN OR, WHERE SUCH A PLAN HAS NOT BEEN ADOPTED, WITHIN TWO MILES OF A PUBLIC AIRPORT OR PUBLIC USE AIRPORT, WOULD THE PROJECT EXPOSE PEOPLE RESIDING OR WORKING IN THE PROJECT AREA TO EXCESSIVE NOISE LEVELS?				✓
f.	FOR A PROJECT WITHIN THE VICINITY OF A PRIVATE AIRSTRIP, WOULD THE PROJECT EXPOSE PEOPLE RESIDING OR WORKING IN THE PROJECT AREA TO EXCESSIVE NOISE LEVELS?				✓
<b>XII. POPULATION AND HOUSING</b>					
a.	INDUCE SUBSTANTIAL POPULATION GROWTH IN AN AREA EITHER DIRECTLY (FOR EXAMPLE, BY PROPOSING NEW HOMES AND BUSINESSES) OR INDIRECTLY (FOR EXAMPLE, THROUGH EXTENSION OF ROADS OR OTHER INFRASTRUCTURE)?				✓
b.	DISPLACE SUBSTANTIAL NUMBERS OF EXISTING HOUSING NECESSITATING THE CONSTRUCTION OF REPLACEMENT HOUSING ELSEWHERE?				✓
c.	DISPLACE SUBSTANTIAL NUMBERS OF PEOPLE NECESSITATING THE CONSTRUCTION OF REPLACEMENT HOUSING ELSEWHERE?				✓
<b>XIII. PUBLIC SERVICES</b>					
a.	FIRE PROTECTION?				✓
b.	POLICE PROTECTION?				✓
c.	SCHOOLS?				✓
d.	PARKS?				✓
e.	OTHER GOVERNMENTAL SERVICES (INCLUDING ROADS)?				✓
<b>XIV. RECREATION</b>					

Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
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a.	WOULD THE PROJECT INCREASE THE USE OF EXISTING NEIGHBORHOOD AND REGIONAL PARKS OR OTHER RECREATIONAL FACILITIES SUCH THAT SUBSTANTIAL PHYSICAL DETERIORATION OF THE FACILITY WOULD OCCUR OR BE ACCELERATED?				✓
b.	DOES THE PROJECT INCLUDE RECREATIONAL FACILITIES OR REQUIRE THE CONSTRUCTION OR EXPANSION OF RECREATIONAL FACILITIES WHICH MIGHT HAVE AN ADVERSE PHYSICAL EFFECT ON THE ENVIRONMENT?				✓
<b>XV. TRANSPORTATION/CIRCULATION</b>					
a.	CAUSE AN INCREASE IN TRAFFIC WHICH IS SUBSTANTIAL IN RELATION TO THE EXISTING TRAFFIC LOAD AND CAPACITY OF THE STREET SYSTEM (I.E., RESULT IN A SUBSTANTIAL INCREASE IN EITHER THE NUMBER OF VEHICLE TRIPS, THE VOLUME TO RATIO CAPACITY ON ROADS, OR CONGESTION AT INTERSECTIONS)?				✓
b.	EXCEED, EITHER INDIVIDUALLY OR CUMULATIVELY, A LEVEL OF SERVICE STANDARD ESTABLISHED BY THE COUNTY CONGESTION MANAGEMENT AGENCY FOR DESIGNATED ROADS OR HIGHWAYS?				✓
c.	RESULT IN A CHANGE IN AIR TRAFFIC PATTERNS, INCLUDING EITHER AN INCREASE IN TRAFFIC LEVELS OR A CHANGE IN LOCATION THAT RESULTS IN SUBSTANTIAL SAFETY RISKS?				✓
d.	SUBSTANTIALLY INCREASE HAZARDS TO A DESIGN FEATURE (E.G., SHARP CURVES OR DANGEROUS INTERSECTIONS) OR INCOMPATIBLE USES (E.G., FARM EQUIPMENT)?				✓
e.	RESULT IN INADEQUATE EMERGENCY ACCESS?				✓
f.	RESULT IN INADEQUATE PARKING CAPACITY?				✓
g.	CONFLICT WITH ADOPTED POLICIES, PLANS, OR PROGRAMS SUPPORTING ALTERNATIVE TRANSPORTATION (E.G., BUS TURNOUTS, BICYCLE RACKS)?				✓
<b>XVI. UTILITIES</b>					
a.	EXCEED WASTEWATER TREATMENT REQUIREMENTS OF THE APPLICABLE REGIONAL WATER QUALITY CONTROL BOARD?			✓	
b.	REQUIRE OR RESULT IN THE CONSTRUCTION OF NEW WATER OR WASTEWATER TREATMENT FACILITIES OR EXPANSION OF EXISTING FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL EFFECTS?				✓
c.	REQUIRE OR RESULT IN THE CONSTRUCTION OF NEW STORMWATER DRAINAGE FACILITIES OR EXPANSION OF EXISTING FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL EFFECTS?			✓	
d.	HAVE SUFFICIENT WATER SUPPLIES AVAILABLE TO SERVE THE PROJECT FROM EXISTING ENTITLEMENTS AND RESOURCE, OR ARE NEW OR EXPANDED ENTITLEMENTS NEEDED?			✓	
e.	RESULT IN A DETERMINATION BY THE WASTEWATER TREATMENT PROVIDER WHICH SERVES OR MAY SERVE THE PROJECT THAT IT HAS ADEQUATE CAPACITY TO SERVE THE PROJECTS PROJECTED DEMAND IN ADDITION TO THE PROVIDERS				✓
f.	BE SERVED BY A LANDFILL WITH SUFFICIENT PERMITTED CAPACITY TO ACCOMMODATE THE PROJECTS SOLID WASTE DISPOSAL NEEDS?			✓	
g.	COMPLY WITH FEDERAL, STATE, AND LOCAL STATUTES AND REGULATIONS RELATED TO SOLID WASTE?				✓
<b>XVII. MANDATORY FINDINGS OF SIGNIFICANCE</b>					
a.	DOES THE PROJECT HAVE THE POTENTIAL TO DEGRADE THE QUALITY OF THE ENVIRONMENT, SUBSTANTIALLY REDUCE THE HABITAT OF FISH OR WILDLIFE SPECIES, CAUSE A FISH OR WILDLIFE POPULATION TO DROP BELOW SELF-SUSTAINING LEVELS, THREATEN TO ELIMINATE A PLANT OR ANIMAL COMMUNITY, REDUCE THE NUMBER OR RESTRICT THE RANGE OF A RARE OR ENDANGERED PLANT OR ANIMAL OR ELIMINATE IMPORTANT EXAMPLES OF THE			✓	

Potentially significant impact	Potentially significant unless mitigation incorporated	Less than significant impact	No impact
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	MAJOR PERIODS OF CALIFORNIA HISTORY OR PREHISTORY?			
b.	DOES THE PROJECT HAVE IMPACTS WHICH ARE INDIVIDUALLY LIMITED, BUT CUMULATIVELY CONSIDERABLE? (CUMULATIVELY CONSIDERABLE MEANS THAT THE INCREMENTAL EFFECTS OF AN INDIVIDUAL PROJECT ARE CONSIDERABLE WHEN VIEWED IN CONNECTION WITH THE EFFECTS OF PAST PROJECTS, THE EFFECTS OF OTHER CURRENT PROJECTS, AND THE EFFECTS OF PROBABLE FUTURE PROJECTS).			✓
c.	DOES THE PROJECT HAVE ENVIRONMENTAL EFFECTS WHICH CAUSE SUBSTANTIAL ADVERSE EFFECTS ON HUMAN BEINGS, EITHER DIRECTLY OR INDIRECTLY?			✓

DISCUSSION OF THE ENVIRONMENTAL EVALUATION (Attach additional sheets if necessary)

The Environmental Impact Assessment includes the use of official City of Los Angeles and other government source reference materials related to various environmental impact categories (e.g., Hydrology, Air Quality, Biology, Cultural Resources, etc.). The State of California, Department of Conservation, Division of Mines and Geology - Seismic Hazard Maps and reports, are used to identify potential future significant seismic events; including probable magnitudes, liquefaction, and landslide hazards. Based on applicant information provided in the Master Land Use Application and Environmental Assessment Form, impact evaluations were based on stated facts contained therein, including but not limited to, reference materials indicated above, field investigation of the project site, and any other reliable reference materials known at the time.

Project specific impacts were evaluated based on all relevant facts indicated in the Environmental Assessment Form and expressed through the applicant's project description and supportive materials. Both the Initial Study Checklist and Checklist Explanations, in conjunction with the City of Los Angeles's Adopted Thresholds Guide and CEQA Guidelines, were used to reach reasonable conclusions on environmental impacts as mandated under the California Environmental Quality Act (CEQA).

The project as identified in the project description will not cause potentially significant impacts on the environment. Therefore, this environmental analysis concludes that a Negative Declaration shall be issued for the environmental case file known as **ENV-2009-801-ND** and the associated case(s), **CPC-2009-800-CA**.

ADDITIONAL INFORMATION:

All supporting documents and references are contained in the Environmental Case File referenced above and may be viewed in the EIR Unit, Room 763, City Hall.

For City information, addresses and phone numbers: visit the City's website at <http://www.lacity.org>; City Planning - and Zoning Information Mapping Automated System (ZIMAS) [cityplanning.lacity.org/](http://cityplanning.lacity.org/) or EIR Unit, City Hall, 200 N Spring Street, Room 763. Seismic Hazard Maps - <http://gmw.consrv.ca.gov/shmp/> Engineering/Infrastructure/Topographic Maps/Parcel Information - <http://boemaps.eng.ci.la.ca.us/index01.htm> or City's main website under the heading "Navigate LA".

PREPARED BY:	TITLE:	TELEPHONE NO.:	DATE:
TANNER BLACKMAN	CITY PLANNING ASSISTANT	(213) 978-1353	03/13/2009

Impact?	Explanation	Mitigation Measures
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**APPENDIX A: ENVIRONMENTAL IMPACTS EXPLANATION TABLE**

<b>I. AESTHETICS</b>		
a.	NO IMPACT	<p>The proposed project would establish regulations to be applied to future special needs housing projects carried out within City of Los Angeles. The project itself does not include any specific physical development. The proposed code amendment would not change existing City regulations governing building heights, nor would it change allowed land uses or development intensity within the City of Los Angeles. Many of the future projects to which the proposed ordinance would apply require CEQA review, which would include an assessment of the projects' visual impacts. Implementation of the proposed regulations through future development projects would not represent any change in how future development would affect scenic vistas. No adverse impact would result.</p>
b.	NO IMPACT	<p>Scenic resources including trees (mostly street trees and other landscape trees) and historic buildings are found throughout the City of Los Angeles. However, the proposed project itself does not include any physical development that would affect these resources, and the proposed regulations would not encourage tree removal, damage to historic structures, or any increase in development intensity or distribution in the project area. No adverse impact would result.</p>
c.	NO IMPACT	<p>The proposed project would establish special needs housing regulations to be applied to future projects carried out within the City of Los Angeles. The project itself does not include any specific physical development. Many of the future projects to which the proposed ordinance would apply require CEQA review, which would include an assessment of the projects' visual impacts. No adverse impact would result.</p>
d.	LESS THAN SIGNIFICANT IMPACT	<p>Future development approved within the City of Los Angeles has the potential to create new sources of substantial light or glare that could adversely affect day or nighttime views. However, the proposed regulations themselves do not include any specific development and do not</p>

Impact?	Explanation	Mitigation Measures
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	encourage more lighting or glare-generating architectural features than are allowed under existing regulations. Impacts would be less than significant.	
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**II. AGRICULTURAL RESOURCES**

a.	NO IMPACT	The proposed project would prohibit parolee/probationer homes on agriculturally-zoned lots. Per state mandate, the proposed regulations would allow by right in agriculturally-zoned lots the following special needs housing types for six or fewer people: adult residential facilities; licensed alcohol/drug recovery or treatment facilities; and small family homes, group homes, and foster family homes. All other types not prohibited in A zones will require a conditional use permit and be subject to CEQA for identification and mitigation of potential project-specific impacts. Further, the proposed regulations themselves do not include any specific development and do not encourage conversion of agricultural land to non-agricultural uses or impacts to land under Williamson Act contract. No impacts to agricultural resources would occur.	
b.	NO IMPACT	The proposed project would prohibit parolee/probationer homes on agriculturally-zoned lots. Per state mandate, the proposed regulations would allow by right in agriculturally-zoned lots the following special needs housing types for six or fewer people: adult residential facilities; licensed alcohol/drug recovery or treatment facilities; and small family homes, group homes, and foster family homes. All other types not prohibited in A zones will require a conditional use permit and be subject to CEQA for identification and mitigation of potential project-specific impacts. Further, the proposed regulations themselves do not include any specific development and do not encourage conversion of agricultural land to non-agricultural uses or impacts to land under Williamson Act contract. No impacts to agricultural resources would occur.	
c.	NO IMPACT	The proposed project would prohibit parolee/probationer homes on agriculturally-zoned lots. Per state mandate, the proposed regulations would allow by right in agriculturally-zoned lots the following special needs housing types	

Impact?	Explanation	Mitigation Measures
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	<p>for six or fewer people: adult residential facilities; licensed alcohol/drug recovery or treatment facilities; and small family homes, group homes, and foster family homes. All other types not prohibited in A zones will require a conditional use permit and be subject to CEQA for identification and mitigation of potential project-specific impacts. Further, the proposed regulations themselves do not include any specific development and do not encourage conversion of agricultural land to non-agricultural uses or impacts to land under Williamson Act contract. No impacts to agricultural resources would occur.</p>	
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**III. AIR QUALITY**

a.	NO IMPACT	<p>Implementation of the project would not increase population levels or density in the City of Los Angeles. As the project would not contribute to population growth in excess of that forecasted in the AQMP, no impact would occur.</p>	
b.	NO IMPACT	<p>No development is proposed as part of or would be facilitated by the project, and no increases in land use density, intensity or distribution are proposed. Thus, no impact is anticipated from new stationary sources of pollutants, such as generators or household uses (stoves, heaters, fireplaces etc). As no construction is proposed, impacts from construction emissions would not be increased. Thus, overall air quality would be unaffected by project implementation. The proposed project would establish special needs housing regulations to be applied to future projects carried out within the City of Los Angeles. The project itself does not include any specific physical development. No adverse impacts would occur.</p>	
c.	NO IMPACT	<p>No development is proposed as part of or would be facilitated by the project, and no increases in land use density, intensity or distribution are proposed. Thus, no impact is anticipated from new stationary sources of pollutants, such as generators or household uses (stoves, heaters, fireplaces etc). As no construction is proposed, impacts from construction emissions would not be increased. Thus, overall air quality would be unaffected by project implementation. The proposed project would establish special needs housing regulations to be applied to future</p>	

Impact?	Explanation	Mitigation Measures
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		projects carried out within the City of Los Angeles. The project itself does not include any specific physical development. No adverse impacts would occur.	
d.	NO IMPACT	Commercial and industrial uses of the type that would result in substantial pollutant concentrations or objectionable odors would not be facilitated by the proposed regulations. No changes in land use designations or allowed uses are proposed, and no development would be directly approved by the project. No adverse impacts would occur.	
e.	NO IMPACT	Commercial and industrial uses of the type that would result in substantial pollutant concentrations or objectionable odors would not be facilitated by the proposed regulations. No changes in land use designations or allowed uses are proposed, and no development would be directly approved by the project. No adverse impacts would occur.	

#### IV. BIOLOGICAL RESOURCES

a.	NO IMPACT	No new development is proposed nor would any individual project be approved under the proposed code amendment; rather it would affect how special needs housing projects are regulated in the City of Los Angeles. Under the proposed regulations, all special needs housing types not expressly prohibited or allowed by right per state mandate will require a conditional use permit and be subject to CEQ for identification and mitigation of potential project specific impacts, except facilities for mentally and physically disabled for six or fewer people in parcels zoned R3, RAS3, R4, RAS4, R5, CR, or C. No adverse impacts to biological resources, including identified species, riparian communities or sensitive natural communities, wetlands, protected trees, and habitats, are anticipated from the proposed code amendment.	
b.	NO IMPACT	No new development is proposed nor would any individual project be approved under the proposed code amendment; rather it would affect how special needs housing projects are regulated in the City of Los Angeles. Under the proposed regulations, all special needs housing types not expressly prohibited or allowed by right per state mandate will require a conditional use permit and be subject to CEQ for identification and mitigation of	

Impact?	Explanation	Mitigation Measures
	potential project specific impacts, except facilities for mentally and physically disabled for six or fewer people in parcels zoned R3, RAS3, R4, RAS4, R5, CR, or C. No adverse impacts to biological resources, including identified species, riparian communities or sensitive natural communities, wetlands, protected trees, and habitats, are anticipated from the proposed code amendment.	
c. NO IMPACT	No new development is proposed nor would any individual project be approved under the proposed code amendment; rather it would affect how special needs housing projects are regulated in the City of Los Angeles. Under the proposed regulations, all special needs housing types not expressly prohibited or allowed by right per state mandate will require a conditional use permit and be subject to CEQ for identification and mitigation of potential project specific impacts, except facilities for mentally and physically disabled for six or fewer people in parcels zoned R3, RAS3, R4, RAS4, R5, CR, or C. No adverse impacts to biological resources, including identified species, riparian communities or sensitive natural communities, wetlands, protected trees, and habitats, are anticipated from the proposed code amendment.	
d. NO IMPACT	No new development is proposed nor would any individual project be approved under the proposed code amendment; rather it would affect how special needs housing projects are regulated in the City of Los Angeles. Under the proposed regulations, all special needs housing types not expressly prohibited or allowed by right per state mandate will require a conditional use permit and be subject to CEQ for identification and mitigation of potential project specific impacts, except facilities for mentally and physically disabled for six or fewer people in parcels zoned R3, RAS3, R4, RAS4, R5, CR, or C. No adverse impacts to biological resources, including identified species, riparian communities or sensitive natural communities, wetlands, protected trees, and habitats, are anticipated from the proposed code amendment.	

Impact?	Explanation	Mitigation Measures
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e.	NO IMPACT	No new development is proposed nor would any individual project be approved under the proposed code amendment; rather it would affect how special needs housing projects are regulated in the City of Los Angeles. Under the proposed regulations, all special needs housing types not expressly prohibited or allowed by right per state mandate will require a conditional use permit and be subject to CEQ for identification and mitigation of potential project specific impacts, except facilities for mentally and physically disabled for six or fewer people in parcels zoned R3, RAS3, R4, RAS4, R5, CR, or C. No adverse impacts to biological resources, including identified species, riparian communities or sensitive natural communities, wetlands, protected trees, and habitats, are anticipated from the proposed code amendment.	
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f.	NO IMPACT	No new development is proposed nor would any individual project be approved under the proposed code amendment; rather it would affect how special needs housing projects are regulated in the City of Los Angeles. Under the proposed regulations, all special needs housing types not expressly prohibited or allowed by right per state mandate will require a conditional use permit and be subject to CEQ for identification and mitigation of potential project specific impacts, except facilities for mentally and physically disabled for six or fewer people in parcels zoned R3, RAS3, R4, RAS4, R5, CR, or C. No adverse impacts to biological resources, including identified species, riparian communities or sensitive natural communities, wetlands, protected trees, and habitats, are anticipated from the proposed code amendment.	
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**V. CULTURAL RESOURCES**

a.	NO IMPACT	The proposed project involves regulatory changes and does not include any specific physical development. The proposed standards would not facilitate nor encourage new development projects, but would affect how special needs housing projects are regulated. Projects that could affect historic resources would typically be subject to individual environmental review and would be subject to the City's existing policies and procedures, designed to evaluate and protect such resources. Because no	
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Impact?	Explanation	Mitigation Measures
	<p>construction or physical changes to existing buildings is proposed as part of the project and because of the existing regulations and protections in place, including required CEQA review for projects with potential impacts to historic resources, adoption of the proposed code am would have a less than significant impact on historic resources.</p>	
<p>b. NO IMPACT</p>	<p>The proposed project involves regulatory changes and does not include any specific physical development. All development projects with the potential to affect archaeological resources would be subject to existing regulations and safeguards, including CEQA review. In addition, California Health and Safety Code Section 7050.5 et seq. require that if human remains are discovered the Coroner shall be contacted and an investigation undertaken. If the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she must contact the Native American Heritage Commission. Potential impacts to archaeological or paleontological resources associated with implementation of the proposed code amendment would be less than significant.</p>	
<p>c. NO IMPACT</p>	<p>The proposed project involves regulatory changes and does not include any specific physical development. All development projects with the potential to affect archaeological resources would be subject to existing regulations and safeguards, including CEQA review. In addition, California Health and Safety Code Section 7050.5 et seq. require that if human remains are discovered the Coroner shall be contacted and an investigation undertaken. If the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she must contact the Native American Heritage Commission. Potential impacts to archaeological or paleontological resources associated with implementation of the proposed code amendment would be less than significant.</p>	

Impact?	Explanation	Mitigation Measures
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d.	NO IMPACT	<p>The proposed project involves regulatory changes and does not include any specific physical development. All development projects with the potential to affect archaeological resources would be subject to existing regulations and safeguards, including CEQA review. In addition, California Health and Safety Code Section 7050.5 et seq. require that if human remains are discovered the Coroner shall be contacted and an investigation undertaken. If the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she must contact the Native American Heritage Commission. Potential impacts to archaeological or paleontological resources associated with implementation of the proposed code amendment would be less than significant.</p>	
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**VI. GEOLOGY AND SOILS**

a.	NO IMPACT	<p>Los Angeles County, like most of Southern California, is a region of high seismic activity and is therefore subject to risk and hazards associated with earthquakes. Several active faults within the region are considered capable of affecting property throughout the City of Los Angeles. The proposed project involves regulatory changes and does not include any specific physical development. No increases in land use density, intensity, or distribution are proposed. No specific development is proposed and no development would be specifically approved by adoption of the project. Individual future development projects, to which the proposed regulations would be applicable, would be subject to the requirements of the International Building Code and the California Building Code, which would ensure that the design and construction of new structures are engineered to withstand the expected ground acceleration, liquefaction, or other hazards that may occur on-site. Because no new development is proposed and due to required compliance with applicable building codes, no impacts related to seismic hazards are anticipated.</p>	
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Impact?	Explanation	Mitigation Measures
b. NO IMPACT	<p>Los Angeles County, like most of Southern California, is a region of high seismic activity and is therefore subject to risk and hazards associated with earthquakes. Several active faults within the region are considered capable of affecting property throughout the City of Los Angeles. The proposed project involves regulatory changes and does not include any specific physical development. No increases in land use density, intensity, or distribution are proposed. No specific development is proposed and no development would be specifically approved by adoption of the project. Individual future development projects, to which the proposed regulations would be applicable, would be subject to the requirements of the International Building Code and the California Building Code, which would ensure that the design and construction of new structures are engineered to withstand the expected ground acceleration, liquefaction, or other hazards that may occur on-site. Because no new development is proposed and due to required compliance with applicable building codes, no impacts related to seismic hazards are anticipated.</p>	
c. NO IMPACT	<p>Los Angeles County, like most of Southern California, is a region of high seismic activity and is therefore subject to risk and hazards associated with earthquakes. Several active faults within the region are considered capable of affecting property throughout the City of Los Angeles. The proposed project involves regulatory changes and does not include any specific physical development. No increases in land use density, intensity, or distribution are proposed. No specific development is proposed and no development would be specifically approved by adoption of the project. Individual future development projects, to which the proposed regulations would be applicable, would be subject to the requirements of the International Building Code and the California Building Code, which would ensure that the design and construction of new structures are engineered to withstand the expected ground acceleration, liquefaction, or other hazards that may occur on-site. Because no new development is proposed and due</p>	

Impact?	Explanation	Mitigation Measures
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		to required compliance with applicable building codes, no impacts related to seismic hazards are anticipated.	
d.	NO IMPACT	Landslides are often triggered by earthquakes or torrential rainstorms. As noted throughout this document, no specific development is proposed as part of nor would any individual development be approved by the project, and no increases in land use density, intensity or distribution are proposed. No landslide impacts are anticipated.	
e.	NO IMPACT	Erosion potential from site preparation for larger projects would be largely addressed through standard erosion control BMPs that are typically required during project construction; for example, projects with greater than one acre of ground disturbance require State Water Resources Control Board Storm Water Pollution Prevention Plans. In addition, no specific development is proposed as part of the project, no individual development would be approved by the project, and no increases in land use density, intensity, or distribution are proposed. No impacts resulting from soil erosion or loss of topsoil are anticipated.	
f.	NO IMPACT	No specific development is proposed as part of the project, no individual development would be approved by the project, and no increases in land use density, intensity or distribution are proposed. In addition, compliance with California Building Code standards for safe construction generally ensures that no impacts related to expansive soils would occur.	
g.	NO IMPACT	No specific development is proposed as part of the project, no individual development would be approved by the project, and no increases in land use density, intensity or distribution are proposed. In addition, compliance with California Building Code standards for safe construction generally ensures that no impacts related to expansive soils would occur.	
h.	NO IMPACT	No specific development is proposed as part of the project, no individual development would be approved by the project, and no increases in land use density, intensity or distribution are proposed. No impacts would occur related to septic capability.	

Impact?	Explanation	Mitigation Measures
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**VII. HAZARDS AND HAZARDOUS MATERIALS**

a.	NO IMPACT	<p>Individual future development projects to which the proposed regulations would be applicable may be located on or near sites that could raise concerns regarding hazardous materials use, contamination or other hazards. However, no increases in land use density, intensity or distribution are proposed as part of the standards and guidelines programs. No specific development is proposed and no individual development would be approved by adoption of the code amendment. In addition, a number of existing state and federal laws and programs apply to hazards and hazardous materials and would apply to subsequent future individual development projects. These include the Resource Conservation and Recovery Act, California Fire Codes, Senate Bill 1082 (Facilities Subject to Corrective Action), Department of Health Services regulations and Department of Housing regulations. Finally, Municipal Code Section 54.05 requires that a hazardous substance clearance report, including provisions for site remediation if warranted, be approved by the County Health Department and recorded with the County for sale or transfer of any property, upon which there has been an unauthorized disposal or release of a hazardous substance.</p>	
b.	NO IMPACT	<p>Individual future development projects to which the proposed regulations would be applicable may be located on or near sites that could raise concerns regarding hazardous materials use, contamination or other hazards. However, no increases in land use density, intensity or distribution are proposed as part of the standards and guidelines programs. No specific development is proposed and no individual development would be approved by adoption of the code amendment. In addition, a number of existing state and federal laws and programs apply to hazards and hazardous materials and would apply to subsequent future individual development projects. These include the Resource Conservation and Recovery Act, California Fire Codes, Senate Bill 1082 (Facilities Subject to Corrective Action), Department of Health Services regulations and Department of Housing regulations. Finally, Municipal Code Section 54.05</p>	

Impact?	Explanation	Mitigation Measures
	requires that a hazardous substance clearance report, including provisions for site remediation if warranted, be approved by the County Health Department and recorded with the County for sale or transfer of any property, upon which there has been an unauthorized disposal or release of a hazardous substance.	
c. NO IMPACT	Individual future development projects to which the proposed regulations would be applicable may be located on or near sites that could raise concerns regarding hazardous materials use, contamination or other hazards. However, no increases in land use density, intensity or distribution are proposed as part of the standards and guidelines programs. No specific development is proposed and no individual development would be approved by adoption of the code amendment. In addition, a number of existing state and federal laws and programs apply to hazards and hazardous materials and would apply to subsequent future individual development projects. These include the Resource Conservation and Recovery Act, California Fire Codes, Senate Bill 1082 (Facilities Subject to Corrective Action), Department of Health Services regulations and Department of Housing regulations. Finally, Municipal Code Section 54.05 requires that a hazardous substance clearance report, including provisions for site remediation if warranted, be approved by the County Health Department and recorded with the County for sale or transfer of any property, upon which there has been an unauthorized disposal or release of a hazardous substance.	
d. NO IMPACT	Individual future development projects to which the proposed regulations would be applicable may be located on or near sites that could raise concerns regarding hazardous materials use, contamination or other hazards. However, no increases in land use density, intensity or distribution are proposed as part of the standards and guidelines programs. No specific development is proposed and no individual development would be approved by adoption of the code amendment. In addition, a number of existing state and federal laws and programs apply to hazards and hazardous materials and would apply to subsequent future individual development projects.	

Impact?	Explanation	Mitigation Measures
	<p>These include the Resource Conservation and Recovery Act, California Fire Codes, Senate Bill 1082 (Facilities Subject to Corrective Action), Department of Health Services regulations and Department of Housing regulations. Finally, Municipal Code Section 54.05 requires that a hazardous substance clearance report, including provisions for site remediation if warranted, be approved by the County Health Department and recorded with the County for sale or transfer of any property, upon which there has been an unauthorized disposal or release of a hazardous substance.</p>	
e. NO IMPACT	<p>The City of Los Angeles contains the Los Angeles International Airport, the Van Nuys Airport, and Whiteman Airport. No safety hazard impacts would occur because no new individual development or increases in land use density, intensity, or distribution are proposed as part of the proposed code amendment. No adverse impacts are anticipated.</p>	
f. NO IMPACT	<p>The City of Los Angeles contains the Los Angeles International Airport, the Van Nuys Airport, and Whiteman Airport. No safety hazard impacts would occur because no new individual development or increases in land use density, intensity, or distribution are proposed as part of the proposed code amendment. No adverse impacts are anticipated.</p>	
g. NO IMPACT	<p>The circulation network would remain unchanged under the proposed regulations. Access to and from existing structures and to and through the project area would remain unchanged. Existing requirements for fire and other emergency access would continue to be applied to development as it is proposed and reviewed. No adverse impacts are anticipated.</p>	
h. NO IMPACT	<p>The City of Los Angeles is highly urbanized but contains large areas of wildlands adjacent to urban areas, where the possibility of wildfires exist at the urban/rural interface. However, no specific development is proposed by the project, and no increases in land use density, intensity or distribution are proposed. Any future special needs housing projects will be subject to requirements of the International Building Code and the California Building Code. No impacts would occur.</p>	

Impact?	Explanation	Mitigation Measures
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**VIII. HYDROLOGY AND WATER QUALITY**

a.	NO IMPACT	<p>No specific development is proposed as part of the project, no individual development will be approved as part of the project, and no increases in land use density, intensity or distribution are proposed. Regulations under the federal Clean Water Act require that a NPDES general construction storm water permit be obtained for projects that would disturb greater than one acre during construction. Acquisition of a NPDES permit is dependent on the preparation of a Storm Water Pollution Prevention Plan (SWPPP) that contains BMPs to control the discharge of pollutants, including sediment, into the local surface water drainages. For project operation, the City's Stormwater and Urban Runoff Pollution Control regulations (Municipal Code, Chapter VI Article 4.4) require measures to control stormwater pollutants, including implementation of practices from the "Development Best Management Practices Handbook" adopted by the Board of Public Works. The City's NPDES Permit requires new development and redevelopment projects to incorporate water quality measures. Depending on the type of project, either a Standard Urban Stormwater Mitigation Plan (SUSMP) or a Site Specific Mitigation Plan is required to reduce the quantity and improve the quality of rainfall runoff that leaves the site. No impacts are anticipated.</p>	
b.	NO IMPACT	<p>No development is proposed as part of the project, no individual development would be approved as part of the project, and no increases in land use density, intensity or distribution are proposed. The project would not result in a measurable increase in the demand for water. No impacts are anticipated.</p>	
c.	NO IMPACT	<p>No specific development is proposed as part of the project, no individual development will be approved as part of the project, and no increases in land use density, intensity or distribution are proposed. Regulations under the federal Clean Water Act require that a NPDES general construction storm water permit be obtained for projects that would disturb greater than one acre during construction. Acquisition of a NPDES permit is dependent on the preparation of a Storm</p>	

Impact?	Explanation	Mitigation Measures
	<p>Water Pollution Prevention Plan (SWPPP) that contains BMPs to control the discharge of pollutants, including sediment, into the local surface water drainages. For project operation, the City's Stormwater and Urban Runoff Pollution Control regulations (Municipal Code, Chapter VI Article 4.4) require measures to control stormwater pollutants, including implementation of practices from the "Development Best Management Practices Handbook" adopted by the Board of Public Works. The City's NPDES Permit requires new development and redevelopment projects to incorporate water quality measures. Depending on the type of project, either a Standard Urban Stormwater Mitigation Plan (SUSMP) or a Site Specific Mitigation Plan is required to reduce the quantity and improve the quality of rainfall runoff that leaves the site. No impacts are anticipated.</p>	
d. NO IMPACT	<p>No specific development is proposed as part of the project, no individual development will be approved as part of the project, and no increases in land use density, intensity or distribution are proposed. Regulations under the federal Clean Water Act require that a NPDES general construction storm water permit be obtained for projects that would disturb greater than one acre during construction. Acquisition of a NPDES permit is dependent on the preparation of a Storm Water Pollution Prevention Plan (SWPPP) that contains BMPs to control the discharge of pollutants, including sediment, into the local surface water drainages. For project operation, the City's Stormwater and Urban Runoff Pollution Control regulations (Municipal Code, Chapter VI Article 4.4) require measures to control stormwater pollutants, including implementation of practices from the "Development Best Management Practices Handbook" adopted by the Board of Public Works. The City's NPDES Permit requires new development and redevelopment projects to incorporate water quality measures. Depending on the type of project, either a Standard Urban Stormwater Mitigation Plan (SUSMP) or a Site Specific Mitigation Plan is required to reduce the quantity and improve the quality of rainfall runoff that leaves the site. No impacts are</p>	

Impact?	Explanation	Mitigation Measures
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e.	NO IMPACT	anticipated.	
	NO IMPACT	<p>No specific development is proposed as part of the project, no individual development will be approved as part of the project, and no increases in land use density, intensity or distribution are proposed. Regulations under the federal Clean Water Act require that a NPDES general construction storm water permit be obtained for projects that would disturb greater than one acre during construction. Acquisition of a NPDES permit is dependent on the preparation of a Storm Water Pollution Prevention Plan (SWPPP) that contains BMPs to control the discharge of pollutants, including sediment, into the local surface water drainages. For project operation, the City's Stormwater and Urban Runoff Pollution Control regulations (Municipal Code, Chapter VI Article 4.4) require measures to control stormwater pollutants, including implementation of practices from the "Development Best Management Practices Handbook" adopted by the Board of Public Works. The City's NPDES Permit requires new development and redevelopment projects to incorporate water quality measures. Depending on the type of project, either a Standard Urban Stormwater Mitigation Plan (SUSMP) or a Site Specific Mitigation Plan is required to reduce the quantity and improve the quality of rainfall runoff that leaves the site. No impacts are anticipated.</p>	
f.	NO IMPACT	<p>No specific development is proposed as part of the project, no individual development will be approved as part of the project, and no increases in land use density, intensity or distribution are proposed. Regulations under the federal Clean Water Act require that a NPDES general construction storm water permit be obtained for projects that would disturb greater than one acre during construction. Acquisition of a NPDES permit is dependent on the preparation of a Storm Water Pollution Prevention Plan (SWPPP) that contains BMPs to control the discharge of pollutants, including sediment, into the local surface water drainages. For project operation, the City's Stormwater and Urban Runoff Pollution Control regulations (Municipal Code, Chapter VI Article 4.4) require measures to control stormwater</p>	

Impact?	Explanation	Mitigation Measures
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	<p>pollutants, including implementation of practices from the "Development Best Management Practices Handbook" adopted by the Board of Public Works. The City's NPDES Permit requires new development and redevelopment projects to incorporate water quality measures. Depending on the type of project, either a Standard Urban Stormwater Mitigation Plan (SUSMP) or a Site Specific Mitigation Plan is required to reduce the quantity and improve the quality of rainfall runoff that leaves the site. No impacts are anticipated.</p>	
g. NO IMPACT	<p>No development is proposed as part of the project, no individual development would be approved as part of the project, and no increases in land use density, intensity or distribution are proposed. Existing requirements for flood management and mitigation would continue to be applied to development as it is proposed and reviewed. No adverse impacts are anticipated.</p>	
h. NO IMPACT	<p>No development is proposed as part of the project, no individual development would be approved as part of the project, and no increases in land use density, intensity or distribution are proposed. Existing requirements for flood management and mitigation would continue to be applied to development as it is proposed and reviewed. No adverse impacts are anticipated.</p>	
i. NO IMPACT	<p>No development is proposed as part of the project, no individual development would be approved as part of the project, and no increases in land use density, intensity or distribution are proposed. Existing requirements for flood management and mitigation would continue to be applied to development as it is proposed and reviewed. No adverse impacts are anticipated.</p>	
j. NO IMPACT	<p>No development is proposed as part the project, no individual development would be approved as part of the project, and no increases in land use density, intensity or distribution are proposed. Coastal areas of the City of Los Angeles could potentially be subject to tsunamis and or seiche, and existing requirements for mitigation would continue to be applied to development as it is proposed and reviewed. No adverse impacts are anticipated.</p>	

Impact?	Explanation	Mitigation Measures
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**IX. LAND USE AND PLANNING**

a.	NO IMPACT	No new development is proposed as part of the code amendment; rather it would affect how special needs housing projects are regulated in the City of Los Angeles. Under the proposed regulations, all special needs housing types not expressly prohibited or allowed by right per state mandate will require a conditional use permit and be subject to CEQ for identification and mitigation of potential project specific impacts, except facilities for mentally and physically disabled for six or fewer people in parcels zoned R3, RAS3, R4, RAS4, R5, CR, or C. No changes in land use designations are proposed, and no major infrastructure or other projects or changes that would divide existing communities are proposed or would be facilitated. No impacts would occur.	
b.	NO IMPACT	The proposed code amendment project includes changes to the regulation of special needs housing projects. No increases in land use density, intensity or distribution are proposed. No specific development is proposed and no individual development would be approved by adoption of the program. Implementation of the proposed regulations through future requested projects within the City of Los Angeles would be consistent with the General Plan, applicable Community Plans, and Zoning Ordinance as amended by this project.	
c.	NO IMPACT	The proposed code amendment project includes changes to the regulation of special needs housing projects. No increases in land use density, intensity or distribution are proposed. No specific development is proposed and no development would be specifically approved by adoption of the program. Therefore, No habitat conservation plans or natural community conservation plans would be impacted.	

**X. MINERAL RESOURCES**

a.	NO IMPACT	The proposed code amendment project includes changes to the regulation of special needs housing projects. No increases in land use density, intensity or distribution are proposed. No specific development is proposed and no development would be specifically approved by adoption of the program.	
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Impact?	Explanation	Mitigation Measures
	Therefore, no impacts to mineral resources would occur.	
b. NO IMPACT	The proposed code amendment project includes changes to the regulation of special needs housing projects. No increases in land use density, intensity or distribution are proposed. No specific development is proposed and no development would be specifically approved by adoption of the program. Therefore, no impacts to mineral resources would occur.	
<b>XI. NOISE</b>		
a. NO IMPACT	The proposed code amendment project involves changes to the regulation of special needs housing projects. No increases in land use density, intensity or distribution are proposed. No specific development is proposed and no development would be specifically approved by adoption of the program. Because the proposed project does not include any development proposals or entitlements, adoption of the proposed code amendment would not place sensitive receptors in areas, subject to noise that exceeds noise standards.	
b. NO IMPACT	The proposed code amendment project involves changes to the regulation of special needs housing projects. No increases in land use density, intensity or distribution are proposed. No specific development is proposed and no development would be specifically approved by adoption of the program. Because the proposed project does not include any development proposals or entitlements, adoption of the proposed code amendment would not place sensitive receptors in areas, subject to noise that exceeds noise standards.	
c. NO IMPACT	The proposed code amendment project involves changes to the regulation of special needs housing projects. No increases in land use density, intensity or distribution are proposed. No specific development is proposed and no development would be specifically approved by adoption of the program. Because the proposed project does not include any development proposals or entitlements, adoption of the proposed code amendment would not place sensitive receptors in areas, subject to noise that exceeds noise standards.	

Impact?	Explanation	Mitigation Measures
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d.	NO IMPACT	No specific development is proposed and no development would be specifically approved by adoption of the program. The proposed regulations do not involve any development proposals or entitlements. Any future special needs housing projects developed in the City of Los Angeles will comply with Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible. Therefore, no impacts related to temporary construction noise would occur.	
e.	NO IMPACT	The proposed code amendment project involves changes to the regulation of special needs housing projects. No specific development is proposed and no individual development would be approved by adoption of the program. If adopted, the proposed code amendment will not impact any existing or planned airport plans. Therefore, the project would not expose people to excessive noise levels associated with airport operations.	
f.	NO IMPACT	The proposed code amendment project involves changes to the regulation of special needs housing projects. No specific development is proposed and no individual development would be approved by adoption of the program. If adopted, the proposed code amendment will not impact any existing or planned airport plans. Therefore, the project would not expose people to excessive noise levels associated with airport operations.	

## XII. POPULATION AND HOUSING

a.	NO IMPACT	No specific development is proposed as part of the project, no individual development would be approved by the project, and no increases in land use density, intensity or distribution are proposed. No housing is proposed for construction or removal, and no population inducing development or regulations are proposed. Therefore, no population and housing impacts would occur.	
b.	NO IMPACT	No specific development is proposed as part of the project, no individual development would be approved by the project, and no increases in land use density, intensity or distribution are proposed. No housing is proposed for construction or removal, and no	

Impact?	Explanation	Mitigation Measures
	population inducing development or regulations are proposed. Therefore, no population and housing impacts would occur.	
c. NO IMPACT	No specific development is proposed as part of the project, no individual development would be approved by the project, and no increases in land use density, intensity or distribution are proposed. No housing is proposed for construction or removal, and no population inducing development or regulations are proposed. Therefore, no population and housing impacts would occur.	
<b>XIII. PUBLIC SERVICES</b>		
a. NO IMPACT	Because no development is proposed as part of or would be facilitated by the project, and no increases in land use density, intensity or distribution are proposed, the proposed code amendment would not increase the demand for fire or police protection services; schools; parks or other public services. No new facilities would be required and no alterations to existing facilities would result from adoption of the proposed program. No adverse impacts related to public services or public services facilities would occur.	
b. NO IMPACT	Because no development is proposed as part of or would be facilitated by the project, and no increases in land use density, intensity or distribution are proposed, the proposed code amendment would not increase the demand for fire or police protection services; schools; parks or other public services. No new facilities would be required and no alterations to existing facilities would result from adoption of the proposed program. No adverse impacts related to public services or public services facilities would occur.	
c. NO IMPACT	Because no development is proposed as part of or would be facilitated by the project, and no increases in land use density, intensity or distribution are proposed, the proposed code amendment would not increase the demand for fire or police protection services; schools; parks or other public services. No new facilities would be required and no alterations to existing facilities would result from adoption of the proposed program. No adverse impacts related to public services or public services facilities would occur.	

Impact?	Explanation	Mitigation Measures
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d.	NO IMPACT	Because no development is proposed as part of or would be facilitated by the project, and no increases in land use density, intensity or distribution are proposed, the proposed code amendment would not increase the demand for fire or police protection services; schools; parks or other public services. No new facilities would be required and no alterations to existing facilities would result from adoption of the proposed program. No adverse impacts related to public services or public services facilities would occur.	
e.	NO IMPACT	Because no development is proposed as part of or would be facilitated by the project, and no increases in land use density, intensity or distribution are proposed, the proposed code amendment would not increase the demand for fire or police protection services; schools; parks or other public services. No new facilities would be required and no alterations to existing facilities would result from adoption of the proposed program. No adverse impacts related to public services or public services facilities would occur.	

#### XIV. RECREATION

a.	NO IMPACT	No development is proposed as part of the project, no specific development would be approved by the project, and no increases in land use density, intensity, or distribution are proposed. No housing or other uses are proposed or would be specifically approved that would result in increased demand for recreational facilities, and no population-inducing development or regulations are proposed. No adverse impacts related to recreation would occur.	
b.	NO IMPACT	No development is proposed as part of the project, no specific development would be approved by the project, and no increases in land use density, intensity, or distribution are proposed. No housing or other uses are proposed or would be specifically approved that would result in increased demand for recreational facilities, and no population-inducing development or regulations are proposed. No adverse impacts related to recreation would occur.	

#### XV. TRANSPORTATION/CIRCULATION

Impact?	Explanation	Mitigation Measures
a. NO IMPACT	<p>No development is proposed nor would any specific development be approved by the proposed code amendment</p> <p>Implementation of the proposed code amendment, which would not change the land use designations or density in the project area, would not be expected to affect traffic or circulation. Therefore, and because no development, changes in land use, or increases in allowed land use intensity are proposed as part of the proposed code amendment, project implementation would not increase traffic volumes within the City of Los Angeles. It should also be noted that future development projects would be subject to individual review for potential traffic impacts and those impacts would be addressed on a case-by-case basis. No adverse impacts would result.</p>	
b. NO IMPACT	<p>No development is proposed nor would any specific development be approved by the proposed code amendment</p> <p>Implementation of the proposed code amendment, which would not change the land use designations or density in the project area, would not be expected to affect traffic or circulation. Therefore, and because no development, changes in land use, or increases in allowed land use intensity are proposed as part of the proposed code amendment, project implementation would not increase traffic volumes within the City of Los Angeles. It should also be noted that future development projects would be subject to individual review for potential traffic impacts and those impacts would be addressed on a case-by-case basis. No adverse impacts would result.</p>	
c. NO IMPACT	<p>No development is proposed nor would any specific development be approved by the proposed code amendment.</p> <p>Therefore, no change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks would result. Building heights would not be increased, nor would projects regulated by the proposed code amendment increase airport traffic levels. No adverse impacts would result.</p>	

Impact?	Explanation	Mitigation Measures	
d.	NO IMPACT	No sharp curves, dangerous intersections or other hazardous traffic or intersection configurations are proposed or would be facilitated by implementation of the project. Major changes in road engineering, alignment or intersection controls that could affect traffic safety are not proposed. Farm equipment and other incompatible vehicular or transportation uses would not be introduced or facilitated by the project. No adverse impacts would result.	
e.	NO IMPACT	The circulation network would remain unchanged under the proposed regulations. Access to and from existing structures and to and through the project area would remain unchanged. Existing requirements for fire and other emergency access would continue to be applied to development as it is proposed and reviewed. No adverse impacts are anticipated.	
f.	NO IMPACT	No development is proposed nor would any specific development be approved by the proposed code amendment. Therefore, no change in parking capacity is anticipated from adoption of the proposed project. Any future projects approved or developed under the revised regulations would be subject to the parking requirements of the Los Angeles Municipal Code. No adverse impacts would result.	
g.	NO IMPACT	No development is proposed nor would any specific development be approved by the proposed code amendment. Therefore, no change in parking capacity is anticipated from adoption of the proposed project. The project would not conflict with adopted policies, plans, or programs supporting alternative transportation. No adverse impact would result.	
<b>XVI. UTILITIES</b>			
a.	LESS THAN SIGNIFICANT IMPACT	No development is proposed as part of the project, no specific development would be approved by the project, and no increases in land use density, intensity, or distribution are proposed. The project would not result in a measurable increase in the demand for water, nor in an increase in wastewater generation. No new or expanded facilities are proposed or would be required in order to implement the proposed code amendment. Impacts would be less than	

Impact?	Explanation	Mitigation Measures
	significant.	
b. NO IMPACT	No development is proposed as part of the project, no specific development would be approved by the project, and no increases in land use density, intensity, or distribution are proposed. The project would not result in a measurable increase in the demand for water, nor in an increase in wastewater generation. No new or expanded facilities are proposed or would be required in order to implement the proposed code amendment. No impact would result.	
c. LESS THAN SIGNIFICANT IMPACT	No new development or increases in potential development are proposed, and no wastewater facilities are proposed for alteration or expansion. New development built subject to the proposed regulations would be subject to various water conservation measures in the citywide landscape ordinance and other regulations. Impacts would be less than significant.	
d. LESS THAN SIGNIFICANT IMPACT	No development is proposed as part of the project, no specific development would be approved by the project, and no increases in land use density, intensity, or distribution are proposed. The project would not result in a measurable increase in the demand for water, nor in an increase in wastewater generation. No new or expanded facilities are proposed or would be required in order to implement the proposed code amendment. Impacts would be less than significant.	
e. NO IMPACT	No development is proposed as part of the project, no specific development would be approved by the project, and no increases in land use density, intensity, or distribution are proposed. The project would not result in a measurable increase in the demand for water, nor in an increase in wastewater generation. No new or expanded facilities are proposed or would be required in order to implement the proposed code amendment. No impact would result.	
f. LESS THAN SIGNIFICANT IMPACT	No development is proposed as part of the project, no specific development would be approved by the project, and no increases in land use density or intensity are proposed. The project would not result in a measurable increase in solid waste generation. Impacts would be less than significant.	

Impact?	Explanation	Mitigation Measures
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g.	NO IMPACT	No development is proposed as part of the project, no specific development would be approved by the project, and no increases in land use density or intensity are proposed. The project would not result in a measurable increase in solid waste generation. No impact would result.	
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**XVII. MANDATORY FINDINGS OF SIGNIFICANCE**

a.	LESS THAN SIGNIFICANT IMPACT	This project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, or threaten to eliminate a plant or animal community.	
b.	LESS THAN SIGNIFICANT IMPACT	The cumulative impacts associated with the proposed project will result in a less than significant impact.	
c.	LESS THAN SIGNIFICANT IMPACT	The proposed project does not pose significant impacts to humans.	

# **ATTACHMENT 3 – CEQA ADDENDUM**

DEPARTMENT OF  
CITY PLANNING  
200 N. SPRING STREET, ROOM 525  
LOS ANGELES, CA 90012-4801  
AND  
6262 VAN NUYS BLVD., SUITE 351  
VAN NUYS, CA 91401

CITY PLANNING COMMISSION

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PRESIDENT  
REGINA M. FREER  
VICE-PRESIDENT  
SEAN O. BURTON  
DIEGO CARDOSO  
FR. SPENCER T. KEZIOS  
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CITY OF LOS ANGELES  
CALIFORNIA



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November 19, 2009

ATTN: James Williams  
Los Angeles City Planning Commission  
200 North Spring St. Room 272  
Los Angeles, CA 90012

**RE: Addendum to ENV-2009-801-ND; Community Care Facilities Ordinance  
City Wide**

Commissioners,

Pursuant to Section 15164 of the State CEQA Guidelines, the Department of City Planning has issued an Addendum (Reconsideration) to the previously issued Negative Declaration (ENV-2009-801-ND), which supplements the City Planning Commission Case No. CPC-2009-800-CA, a proposed ordinance with the following project description:

“A proposed ordinance amending Sections 12.03, 12.05, 12.07, 12.07.01, 12.07.1, 12.08, 12.08.1, 12.08.3, 12.08.5, 12.09.1, 12.10, 12.12.2, 12.17.5, and 12.24 of the Los Angeles Municipal Code (LAMC) to regulate licensed community care facilities and unlicensed special needs housing operating as businesses in residential zone., add new definitions to the LAMC and amend others, require specified uses to obtain a conditional use permit to operate in residential zones in conformance with the character of the neighborhood and with State law, and permit specified uses with seven or more residents in multifamily zones if performance standards of a public benefits are met.”

Subsequent to the original publication of this ND, due to ongoing research, the City cannot regulate unlicensed special needs housing operating as businesses. Staff is now recommending to bring the LAMC into conformance with the California Community Care Facilities Act by allowing community care facilities for six or fewer residents by right in residential and commercial zones and to allow community care facilities for seven or more residents as public benefits with performance standards in residential and commercial zones. Relevant documents are included in the administrative record and available for review in the Community Planning Commission case file.

Since the nature of the proposed ordinance has not significantly changed from the original, the Department of City Planning considers this modification to be a minor technical change to the original ND for the code amendment project. The revision does not create any new substantial impacts beyond what has been previously analyzed in the original environmental clearance. Therefore, pursuant to section 15073.5 of the California Environmental Quality Act (CEQA Guidelines), recirculation of the ND is not required.

Sincerely,



*im sgg*

S. Gail Goldberg  
Director  
Department of City Planning

Thomas Rothmann  
City Planner  
TR:TB:JZ

**ATTACHMENT 4 – CITY COUNCIL MOTION #07-3427**

OCT 24 2007

**MOTION**

Sober Living Homes (alcohol and drug free houses) were intended to provide a supportive environment for people who are recovering from alcohol or drug addiction. These homes provide shelter for individuals who are transitioning between rehabilitation programs and permanent housing. They are often located in single family houses within single family residential zones.

Similar to other cities in the state, it would behoove the City of Los Angeles to define and implement land use regulatory controls in the Municipal Code for Sober Living Homes to prevent an over concentration of this use on a street or in a neighborhood. The cities of Murrieta, CA and Riverside, CA have enacted sober living ordinances, and therefore, this use can be regulated via the land use process. As such, the City of Los Angeles should enact our own ordinance.

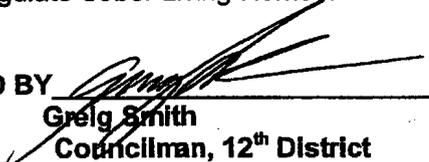
Currently, no state or local license or land use permit is required for a Sober Living Home to open in a single family zone in the city. There are no distance requirements as to the location of sober living homes from each other. A Sober Living Home is only required to conform to the same regulations as any other dwelling unit in that zone. However, rather than living and occupying the entire house, each resident rents a room or sometimes just a bed in a shared room in the house, much like that of a boarding house rental experience. In turn, this can lead to an over concentration of Sober Living Homes on a street or in a neighborhood, and have detrimental impacts to its quality of life.

**I THEREFORE MOVE** that the Council request the City Attorney, with the assistance of the Planning Department, to prepare a report within 45 days outlining the Sober Living Homes regulatory ordinances enacted by the City of Murrieta, CA and Riverside, CA, and those of any other cities.

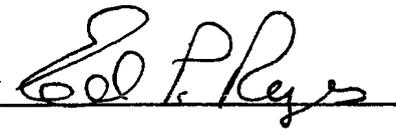
↳ # 382-07

**I FURTHER MOVE** that the Planning Department and the Department of Building and Safety, in consultation with the City Attorney, provide land use control recommendations as part of the requested report, that can be enacted citywide to regulate Sober Living Homes.

PRESENTED BY

  
 Greg Smith  
 Councilman, 12<sup>th</sup> District

SECONDED BY



OCT 24 2007

07-3427

EG

**ATTACHMENT 5 – PLUM ACTION of 8/13/2008 and  
PLANNING DEPARTMENT REPORT of 7/24/2008**

*Alan Bell*

CITY OF LOS ANGELES  
CALIFORNIA

KAREN E. KALFAYAN  
City Clerk



ANTONIO R. VILLARAIGOSA  
MAYOR

Office of the  
CITY CLERK

Council and Public Services  
Room 395, City Hall  
Los Angeles, CA 90012  
General Information - (213) 978-1133  
Fax: (213) 978-1040

CLAUDIA M. DUNN  
Chief, Council and Public Services Division

[www.cityclerk.lacity.org](http://www.cityclerk.lacity.org)

When making inquiries  
relative to this matter,  
please refer to the Council  
File No.

07-3427

August 19, 2008

Councilmember Reyes  
Councilmember Smith  
Councilmember Hahn  
City Attorney  
City Planning Department  
Attn: Beatrice Pacheco  
cc: Director of Planning  
cc: Office of Zoning Administration  
Department of Building and Safety

Paul Dumont, Program Director  
Community Housing Sober Living  
19811 Welby Way  
Winnetka, CA 91306

RE: SOBER LIVING HOMES AND RECOMMENDED LAND USE CONTROLS

At the meeting of the Council held AUGUST 13, 2008, the following action was taken:

Attached report adopted .....	_____
Attached amending motion (Hahn - Reyes) adopted .....	<u>  X  </u>
Attached resolution adopted .....	_____
FORTHWITH .....	<u>  X  </u>
Mayor concurred .....	_____
To the Mayor FORTHWITH .....	_____
Motion adopted to approve communication recommendation(s) .....	_____
Motion adopted to approve committee report recommendation(s) as amended .....	<u>  X  </u>

*Karen E. Kalfayan*

City Clerk  
kw

TO THE COUNCIL OF THE CITY OF LOS ANGELES

Your **PLANNING AND LAND USE MANAGEMENT** Committee

reports as follows:

PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to Sober Living Homes and recommended land use controls.

Recommendation for Council action, pursuant to Motion (Smith - Reyes):

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.

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

Community Impact Statement: Yes  
For Proposal: Chatsworth Neighborhood Council  
North Hills West Neighborhood Council

Summary:

On August 5, 2008, the Planning and Land Use Management (PLUM) Committee considered a City Planning Department report relative to Sober Living Homes and recommended land use controls in response to Motion (Smith - Reyes). The Planning Department states in its written report, dated July 24, 2008, that the State requires municipalities to treat community care facilities and alcohol and drug abuse treatment facilities with six or fewer residents the same as any other single family residence. In addition, municipalities may not require a conditional use permit, zoning variance or other zoning clearance for community care or alcohol and drug abuse treatment facilities that are not required of comparable single family dwellings in a zoning district.

The Planning Department further reports that the California Community Care Facilities Act allows municipalities to regulate licensed facilities that house seven or more people and to restrict these facilities to certain zoning districts and require conditional uses, variances or other zoning clearances. The Planning Department also notes that persons recovering from alcohol and drug addiction are considered to be disabled and are protected from discrimination by the Americans with Disabilities Act and the Federal Fair Housing Act.

During the discussion of this matter, Planning Department staff presented an overview of the matter. Also, testimony was heard from the public, including many representing sober living facilities and sober living coalition that urged the Committee to work with the sober living

\*Adopted as amended by Council action of 8-13-08

coalition to deal with problem facilities and on the development of reasonable regulations. In addition, members of the public spoke regarding the need for strong regulations for sober living facilities and provided examples of negative experiences with particular facilities.

After an opportunity for public comment, the PLUM Committee recommended that Council approve the recommendations of the Planning Department report and instructed the Planning Department to prepare the ordinance in consultation with the Department of Building and Safety and the City Attorney. This matter is now transmitted to Council for its consideration.

Respectfully submitted,

PLANNING AND LAND USE MANAGEMENT COMMITTEE



<u>MEMBER</u>	<u>VOTE</u>
REYES:	YES
HUIZAR:	ABSENT
WEISS:	YES

PYL  
8-6-08  
#073427.doc

**ADOPTED**

MOTION ADOPTED TO APPROVE COMMITTEE REPORT RECOMMENDATION  
AUG 10 2008

LOS ANGELES CITY COUNCIL

**FORTHWITH**

*FA Amended  
See A. Haskel motion*

**VERBAL MOTION**

I HEREBY MOVE that Council AMEND the Planning and Land Use Management Committee Report (Item No. 13, CF 07-3427) relative to Sober Living Homes and recommended land use controls, as follows:

**INSTRUCT the Planning Department along with the Department of Building and Safety Department to study the Long Beach ordinance in connection with Sober Living Homes and to report on its applicability to the City and how a similar ordinance could be implemented for the City of Los Angeles.**

PRESENTED BY \_\_\_\_\_  
JANICE HAHN  
Councilmember, 15th District

SECONDED BY \_\_\_\_\_  
ED P. REYES  
Councilmember, 1st District

August 13, 2008

CF 07-3427

*Motion*  
**ADOPTED**

AUG 13 2008

**LOS ANGELES CITY COUNCIL**

**FORTHWITH**

**MICHAEL LOGRANDE**  
CHIEF ZONING ADMINISTRATOR

**ASSOCIATE ZONING ADMINISTRATORS**

PATRICIA BROWN  
R. NICOLAS BROWN  
SUE CHANG  
ANIK CHARRON  
LARRY FRIEDMAN  
LOURDES GREEN  
ERIC RITTER  
MICHAEL S.Y. YOUNG

**CITY OF LOS ANGELES**  
CALIFORNIA



**ANTONIO R. VILLARAIGOSA**  
MAYOR

**DEPARTMENT OF  
CITY PLANNING**

S. GAIL GOLDBERG, AICP  
DIRECTOR

**OFFICE OF  
ZONING ADMINISTRATION**

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July 24, 2008

Council of the City of Los Angeles  
Planning and Land Use Management Committee  
200 North Spring Street  
Los Angeles, CA 90012

Re: Report on Sober Living Homes and Recommended Land Use Controls  
Council File No. 07-3427 (Smith/Reyes)

Honorable Members of the Planning and Land Use Management Committee:

On October 24, 2007, Councilman Greig Smith introduced a motion (CF 07-3427), seconded by Councilman Ed Reyes, requesting a report describing the ordinances enacted by Murrieta, Riverside, and other California cities to regulate sober living homes. The motion also requested that the Planning Department and Department of Building and Safety, in consultation with the City Attorney, recommend land use controls that can be enacted citywide to regulate sober living homes.

In response to this request, the Planning Department has undertaken extensive research of existing ordinances, state and federal law, and case law, in preparation of this report. The following highlights our findings and recommendations:

**Findings**

1. As defined by the California Health and Safety Code, sober living homes provide group living arrangements for persons recovering from alcoholism or drug addiction where the home provides no care or supervision. They are not licensed by the state.
2. The City of Newport Beach, which has the most comprehensive and legally sound ordinance, will become the touchstone for all similar ordinances in California as court cases determine which of its provisions are upheld and which are not.
3. State codes regulating licensed community care facilities and alcohol and drug abuse treatment facilities do not limit the ability of Los Angeles to regulate and restrict sober living homes.



AN EQUAL EMPLOYMENT OPPORTUNITY – AFFIRMATIVE ACTION EMPLOYER



4. Sober living homes can only be regulated as part of a general category of unlicensed group residential homes. A regulation targeted solely at sober living homes would be considered discriminatory and therefore unconstitutional.
5. If an unlicensed group residential home operates as a business in a residential zone then it may be regulated.
6. The state requires that municipalities treat licensed community care facilities and alcohol and drug abuse treatment facilities with six or fewer residents the same as any other single family residence. Such licensed facilities with seven or more residents are subject to local regulation.
7. If a sober living home or any other use causes a nuisance then the community may seek a remedy through the existing, administrative nuisance abatement process, as set forth in the zoning code.

#### **Recommendations**

1. Staff recommends that the Planning Department be instructed to prepare a comprehensive, citywide ordinance that regulates licensed community care facilities, licensed alcohol and drug abuse treatment facilities, and unlicensed group residential homes. The ordinance would also regulate unlicensed group residential homes operating as a business in a residential zone.
2. The ordinance would be prepared in accordance with sound zoning principles, the Community Care Facilities Act, state and federal law, and case law.

For further information, please contact Alan Bell of my staff at (213) 978-1322.

Sincerely,



MICHAEL J. LOGRANDE  
Chief Zoning Administrator

ML:AB:TR:CC

Attachment

## **REPORT ON SOBER LIVING HOMES AND RECOMMENDED LAND USE CONTROLS**

### **BACKGROUND**

Responding to community concerns, Councilman Greig Smith introduced a motion (CF 07-3427), seconded by Councilman Ed Reyes, requesting a report describing the ordinances enacted by Murrieta, Riverside, and other cities in California to regulate sober living homes; and further requesting that the Planning Department and Department of Building and Safety, in consultation with the City Attorney, recommend land use controls that can be enacted citywide to regulate sober living homes.

The motion states: "Sober Living Homes (alcohol and drug free houses) were intended to provide a supportive environment for people who are recovering from alcohol and drug addiction. These homes provide shelter for individuals who are transitioning between rehabilitation programs and permanent housing. They are often located in single family houses within single family residential zones."

At the Planning and Land Use Management Committee (PLUM) hearing on May 13, 2008, community members testified to problems they have encountered with secondhand smoke, foul language, traffic congestion, parking problems, excessive noise, and overcrowding.

### **OVERVIEW**

For over 30 years, state and federal governments have favored de-institutionalizing persons with disabilities and encouraging their placement in homes in residential neighborhoods. Laws implementing this policy, such as the Community Care Facilities Act of 1973 (California Health and Safety Code Section 1500), have been upheld by court decisions over the years.

The California Community Care Facilities Act, which provides a statewide system for the licensing and administration of community care facilities, concerns itself exclusively with facilities that are required by the state to obtain operating licenses. The state requires that municipalities treat community care facilities with six or fewer residents the same as any other single family residence. The state also requires that municipalities treat alcohol or drug abuse treatment facilities with six or fewer residents, as defined by Health and Safety Code Section 11834.02(a), the same as any other single family residence. Municipalities may not require a conditional use permit, zoning variance or other zoning clearance for community care or alcohol and drug abuse treatment facilities that are not required of comparable single family dwellings in a zoning district.

On the other hand the Act does allow municipalities to regulate licensed facilities that house seven or more people. Municipalities can restrict these facilities to certain zoning districts and require conditional uses, variances or other zoning clearances.

Sober living homes, as defined by California Health and Safety Code Section 1505(i), provide group living arrangements for persons recovering from alcoholism or drug addiction where the facility provides no care or supervision. They are not licensed by the state.

Persons recovering from alcohol and drug addiction are considered to be disabled and are protected from discrimination by the Americans with Disabilities Act and the Federal Fair Housing Act. Consequently, municipalities cannot treat sober living homes less favorably than other unlicensed group residential homes such as boarding homes or fraternity and sorority houses. Municipalities can, however, restrict and regulate commercial uses. When unlicensed group residential uses operate as businesses, municipalities can regulate where and under what conditions they can operate.

## **OVERVIEW OF THREE CALIFORNIA ORDINANCES**

### **Newport Beach, CA**

Newport Beach, with 70,032 people, 33,071 households, and 16,965 families, is home to several well-known communities including Balboa Island, Corona del Mar, San Joaquin Hills, Santa Ana Heights, and Newport Coast. Newport Beach has a disproportionately high number of licensed and unlicensed group residential uses serving persons recovering from drug or alcohol abuse. A staff analysis found that Newport Beach might have the highest number of residential recovery facilities (licensed and unlicensed) in the state, possessing four times the number of beds needed if beds were to be distributed evenly, per capita, statewide.

After years of complaints from residents, Newport Beach passed an ordinance in January, 2008 to regulate group residential uses serving persons recovering from drug or alcohol use. This is the most comprehensive such ordinance in California and constructively deals with all the legal issues that impair other ordinances. The comprehensive work in preparation of this ordinance, that began intensively over two years ago, included hiring legal firms and sought extensive input from the community, the facility operators, and other stakeholders through committees, workshops, and public hearings.

Recognizing that the law prohibits discrimination against sober living homes as such, Newport Beach decided to regulate them as part of a general category of unlicensed homes for the disabled.

Newport Beach prohibits group residential uses, such as boarding homes and dormitories, in R1 and R2 Zones. However, it permits residential care facilities for disabled persons as a conditional use in those zones. The conditional use permit application is 27 pages and requires detailed maps for transporting clients, floor plans of the number of residents per bedroom, disposal procedures for medical waste, plans to mitigate secondhand smoke, weekly activities schedules for residents, fire safety compliance, and other relevant information, plus a fee of \$2,200.

The Newport Beach ordinance also includes standards and procedures for granting reasonable accommodation for the disabled. These standards and procedures provide a disabled individual with an equal opportunity to use a dwelling unit without deviation from the zoning code. Further, Newport Beach regulates two or more residential care facilities that are under the control and management of the same owner and are integrated components of one operation. These combinations are treated as one facility for purposes of applying federal, state and local law.

After the ordinance was adopted two lawsuits were filed against Newport Beach. One was filed by Sober Living by the Sea, Inc, and other sober living home operators, and the other by Concerned Citizens of Newport Beach, on behalf of residents of the community opposed to the sober living homes in their communities. In May, a federal judge issued a preliminary ruling upholding much of the ordinance.

### Murrieta, CA

With more than 85,000 people, Murrieta is one of the five largest municipalities in Riverside County. The Murrieta sober living homes ordinance requires a conditional use permit for boarding houses and sober living homes. It defines a boarding house as a residence where three or more rooms are rented to individuals under separate rental agreements or leases, either written or oral. It defines a sober living home as a "residential unit which houses *two or more persons unrelated by blood, marriage or legal adoption*, in exchange for monetary or non-monetary consideration, who reside in said residential structure or unit for the purpose of recovering from problems related to alcohol, drug, or alcohol and drug misuse or abuse...." (*emphasis added*).

The constitutional right to privacy prevents municipalities from requesting information as to whether the residents of a dwelling unit are related or not. This right has consistently been upheld by the courts. Thus, the Murrieta ordinance, which relies on a definition of a sober living home as a "residential unit which houses two or more persons *unrelated* by blood, marriage or legal adoption," may not be upheld if challenged in court.

Further, this ordinance dictates that sober living homes (as opposed to all boarding houses) may not be located within 1,000 feet of a school. It also requires existing sober living homes (again, as opposed to all boarding houses) to provide information concerning Police Department calls for service and criminal history for the previous 12 months upon application for a conditional use permit. These provisions may also not be upheld if challenged in court.

### Riverside, CA

Riverside has a population of 270,000 and is the county seat of Riverside County and is the largest city in one of the fastest growing metropolitan areas in the country. Its ordinance defines an alcohol and drug free residential recovery home

(sober living home) as “any residential structure or unit, which houses two or more persons, *unrelated by blood, marriage, or legal adoption*, in exchange for monetary or non-monetary consideration for persons who are recovering from problems related to alcohol, drug or alcohol and drug misuse or abuse...” (emphasis added)

This ordinance suffers from the same problem as the Murrieta ordinance. The constitutional right to privacy prevents municipalities from requesting information as to whether the residents of a dwelling unit are related or not. This right has consistently been upheld by the courts. Thus, this ordinance, which relies on a definition of sober living homes as a “residential unit which houses two or more persons *unrelated* by blood, marriage or legal adoption,” may not be upheld if challenged in court.

## **REGULATORY CONTEXT**

### **California State Law Prevails over Municipal Law**

The California Constitution states that “[a] county or city may make and enforce within its limits all local police, sanitary, and other ordinances and regulations not in conflict with general laws.” (Cal.Const.,art.XI,Sect7.) This has been interpreted by *California Veterinary Medical Assn. v. City of West Hollywood* (2007), which states that, “If otherwise valid local legislation conflicts with State law, it is preempted by such law and is void.”

State law specifically regulates substance abuse recovery and treatment facilities, as detailed in Health and Safety Code Section 11834.02(a). It also regulates community care facilities, which are covered by Health and Safety Code section 1502(a). Thus, state law sets the limits and defines the extent to which Los Angeles can restrict and regulate these facilities.

Section 1566.3 of the Community Care Facilities Act of 1973 provides that, “whether or not unrelated persons are living together, a residential facility that serves six or fewer persons shall be considered a residential use for the purposes of this article. In addition, the residents and operators shall be considered a family for the purposes of any law or zoning ordinance which relates to the residential use of the property pursuant to this article.” Community care facilities and alcoholism or drug abuse recovery or treatment facilities that house six or fewer residents may not be regulated as boarding houses pursuant to Health and Safety Code Section 1566.3(b) and Attorney General Opinion 07-601.

Once a facility’s occupancy exceeds six persons, however, it becomes subject to all local zoning regulations. State licensed facilities with occupancies of seven or more residents are first permitted in the R4 Zone. A request to locate such a facility in a more restrictive zone requires an application for a zone variance. State law also controls over-concentration of licensed community care facilities by denying licenses to facilities located within 300 feet of each other. No such limit is placed on the location of alcoholism or drug abuse recovery or treatment facilities.

In contrast to community care or alcohol and drug abuse treatment facilities, sober living homes do not offer care or supervision and are not licensed or regulated by the state. Consequently, municipalities are not pre-empted by state law from regulating sober living homes, except as limited by state and federal laws prohibiting discrimination against the disabled.

### Constitutional Right to Privacy

An individual's constitutional right to privacy prevents local governments from distinguishing between different residential uses through relying on matters that are considered private, such as whether persons in a household are related or not. This is forbidden by *Santa Barbara v. Adamson* (1980) 27 Cal.3d 123, as a violation of the constitutional right to privacy.

### Definition of Family

Los Angeles can restrict group residential homes from operating in low density residential zones by defining a "family" in a manner that permits clear and enforceable distinctions between residential uses and businesses without violating the constitutional right to privacy.

A 1998 memo from the Los Angeles City Attorney's office describes factors considered by the courts in determining the definition of a family. These include the transiency of residents, the services provided on premises, the financial arrangements between the owner and occupant, whether the premises are operated as a profit making enterprise or any physical alterations have been made to said premises, and the kind of insurance the owner carries.

### Local Governments May Not Discriminate Against the Disabled

Local governments are explicitly prohibited from administering zoning procedures in a manner that subjects persons with disabilities, such as residents of sober living homes, to discrimination on the basis of their disability. *Tsombanidis v. City of West Haven* (2001) 129 F.Supp.2d 136, 151. Those residing in a sober living home are disabled pursuant to 42 U.S.C. §3602(h) and 24 C.F.R. §100.201(a)(2). In addition, local governments must provide "reasonable accommodation" (that is the opportunity for a waiver) from zoning and land use regulations, policies, and practices to allow disabled individuals the opportunity to use and enjoy dwellings as those without disabilities enjoy.

### Nuisance Abatement

Section 12.27.1 (Administrative Nuisance Abatement) of the Los Angeles Municipal Code (LAMC) allows "the City's zoning authorities to protect the public peace, health and safety from any land use which becomes a nuisance; [and] adversely affects the health, peace or safety of persons residing or working in the surrounding area . . . ." When residents complain that a neighboring land use (either commercial or residential) is the cause of nuisance activity negatively impacting the neighborhood, the Council office or a City agency can bring this

request to the Office of Zoning Administration. The Nuisance Abatement Unit investigates and determines if the issue warrants a case to be filed against the owner and operator of this land use. A public hearing is held and if the Zoning Administrator determines that the land use is creating a nuisance, conditions are imposed on the operation of the use that are monitored through subsequent hearings to review their effectiveness.

## **RECOMMENDATION**

Staff recommends that the Planning Department be instructed, with the assistance of the City Attorney, to prepare a comprehensive ordinance that regulates the following uses citywide: licensed community care facilities, licensed alcohol and drug abuse treatment facilities, and unlicensed group residential homes. The ordinance would specifically regulate unlicensed group residential homes operating as a business in a residential zone. The ordinance would:

- identify which uses in which zones would be permitted by right. For example, in the commercial zones, it may be appropriate to permit some or all of these uses by-right;
- identify which uses in which zones would be prohibited. For example, in the manufacturing zones, it may be appropriate to prohibit some or all of these uses;
- identify which uses in which zones would require a conditional use or other discretionary permit. For example, in the single-family residential zones, it may be appropriate to require a conditional use permit for an unlicensed group residential home operating as a business;
- establish the criteria for determining when an unlicensed group residential home is operating as a business; and
- define key terms.

Staff would review the options stated above and make appropriate recommendations as part of a detailed draft ordinance for the City Planning Commission's review.

## **CONCLUSION**

The Department of City Planning recognizes the importance of maintaining the quality of life in our single-family neighborhoods while upholding state and federal laws prohibiting discrimination against the disabled. Staff's recommendation will provide a comprehensive, citywide ordinance that enacts proper regulations by zone for licensed community care facilities, licensed alcohol and drug abuse treatment facilities, and unlicensed group residential homes.

## **ATTACHMENT 6 – SOURCES**

## **Research Sources**

*"APA Policy Guide on Community Residences"*. American Planning Association. Ratified by board September 22, 1997

*Fair housing Law Issues in Land Use and Zoning: Congregate Living Arrangements for People with Disabilities*, Savage, Kim, Mental Health Advocacy Services, Inc. May 1999

*Fair Housing Impediments Study: How Land Use and Zoning Regulations and Practices Impact Housing for Individuals with Disabilities*, Savage, Kim, Mental Health Advocacies Services, Inc. under contract from the City of Los Angeles Housing Department. November, 2002.

*Fair Housing Reasonable Accommodation: A Guide to Assist Developers and Providers of Housing for People with Disabilities in California*. Mental Health Advocacies Services, Inc. February, 2005

*Federal and State Statutes and Cases Limiting Regulation of Residential Recovery Facilities*, Clauson, Robin, League of California Cities, City Attorney's Spring Conference, May 3-5, 2007

*Group Homes in the Neighborhood*, De Berry, David, League of California Cities, City Attorney's Department Spring Conference, May 3-5, 2006

*Published Official Opinion of Attorney General Edmund Brown Jr. No. 07-601*. December 18, 2007, State of California,

*Residential Recovery Homes and Their Local Impacts*, Taber, Alene M. and Alti, Michael J., Residential Recovery Facilities Conference, March 2, 2007

*Sober Living Homes: State and Local Regulation: Concentration, Licensing, and Zoning Restrictions*, Legislative Counsel of California, Gregory, Bion M., Letter to the Honorable Bill Morrow, Sacramento, California. June 18, 1997

*Special Needs Housing Interim Report. A Citywide Study of Community Care Facilities*, Prepared by Los Angeles City Planning Department, November, 1997

## **Municipal Ordinances**

*"Development Code: Sober Living Home"* Title 16 Murrieta, California, Municipal Code.

*"An Ordinance of the City Council of the City of Murrieta Amending Title 16 of the Murrieta Municipal Code Regulating Rooming and Boarding Houses (Including*

*Parolee-Probationer Homes and Sober Living Homes) Within the City of Murrieta". City Council of the City of Murrieta. January 16, 2007*

*Ordinance of the City of Riverside, California, Amending Title 19 of the Riverside Municipal Regarding Development Requirements for Probationer/ Parolee Homes, Ordinance No. 6733. City Council of the City of Riverside, California. June 8, 2004*

*An Ordinance of they City Council of the City of Newport Beach, California Amending Various Provisions of the title 20 of the Newport Beach Municipal Code Relating to All Categories of Group Uses, Reasonable Accommodation Provisions for the Disabled and Nonconforming Structures and Uses", Ordinance No. 2008-5. City Council of the City of Newport Beach. January 8, 2008.*