

APPENDIX A

ORDINANCE NO. _____

A proposed ordinance amending Sections 12.03, 12.05, 12.07, 12.07.01, 12.08, 12.08.1, 12.08.3, 12.08.5, 12.09.1, 12.09.5, 12.10, 12.12, 12.12.2, 12.21, 12.22, 12.24, and 14.00 of the LAMC adding definitions of *Community Care Facility*, *Residential Care Facility for the Elderly*, and *Alcoholism or Drug Abuse Recovery or Treatment Facility* to the LAMC to bring it into conformance with the California Community Care Facilities Act. As mandated by State law, the ordinance permits these State licensed facilities with six or fewer residents in any zone that permits single-family homes. It also permits those with seven or more residents as public benefits, requiring performance standards. The proposed ordinance also amends the definitions of *Boarding or Rooming House* and *Family* to provide clear guidelines for the appropriate enforcement of boarding homes with transient characteristics and prohibits *Boarding or Rooming Houses* in one-family dwellings zoned RD. Lastly, it adds a definition for *Correctional or Penal Institution* to ensure that group homes for parolees are classified as conditional uses.

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 add or amend the following terms alphabetically:

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

BOARDING OR ROOMING HOUSE – ~~A dwelling containing a dwelling unit and not more than five guest rooms or suites of rooms, where lodging is provided with or without meals, for compensation. A one-family dwelling where lodging is provided to individuals with or without meals, for monetary or non-monetary consideration under two or more separate agreements or leases, either written or oral, or a dwelling with five or fewer guest rooms or suites of rooms, where lodging is provided to individuals with or without meals, for monetary or non-monetary consideration under two or more separate agreements or leases, either written or oral. Boarding or rooming house does not include an alcoholism or drug abuse recovery or treatment facility, licensed; community care facility, licensed; or residential care facility for the elderly, licensed.~~

COMMUNITY CARE FACILITY, LICENSED. As defined in Section 1502 of the Health and Safety Code, any facility, place or building licensed by the State of California that is maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including but not limited to, the physically handicapped, mentally impaired, incompetent persons, abused or

neglected children.

CORRECTIONAL OR PENAL INSTITUTION. Any building including a prison, jail, or halfway house used for the housing or provision of services to persons under sentence from a federal, state or county court, or otherwise under the supervision of the State of California Department of Corrections or successor agency.

FAMILY. 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, as a single housekeeping unit.

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

SINGLE HOUSEKEEPING UNIT. One household where all the members have common access to and common use of all living, kitchen, and eating areas within the dwelling unit, and household activities and responsibilities such as meals, chores, expenses and maintenance of the premises are shared or carried out according to a household plan or other customary method. If all or part of the dwelling unit is rented, the lessees must jointly occupy the unit under a single lease, either written or oral, whether for monetary or non-monetary consideration.

Sec. 2. New Paragraph 17 is added to Subsection A of Section 12.05 of the Los Angeles Municipal Code to read:

17. Alcoholism or drug abuse recovery or treatment facilities, licensed; community care facilities, licensed; and residential care facilities for the elderly, licensed; for six or fewer residents.

Sec. 3. New Paragraph 15 is added to Subsection A of Section 12.07 of the Los Angeles Municipal Code to read:

15. Alcoholism or drug abuse recovery or treatment facilities, licensed; community care facilities, licensed; and residential care facilities for the elderly, licensed; for six or fewer residents.

Sec. 4. New Paragraph 10 is added to Subsection A of Section 12.07.01 of the Los Angeles Municipal Code to read:

10. Alcoholism or drug abuse recovery or treatment facilities, licensed; community care facilities, licensed; and residential care facilities for the elderly, licensed; for six or fewer residents.

Sec. 5. New Paragraph 10 is added to Subsection A of Section 12.08 of the Los Angeles Municipal Code to read:

10. Alcoholism or drug abuse recovery or treatment facilities, licensed; community care facilities, licensed; and residential care facilities for the elderly, licensed; for six or fewer residents.

Sec. 6. New Paragraph 7 is added to Subsection B of Section 12.08.1 of the Los Angeles Municipal Code to read:

7. Alcoholism or drug abuse recovery or treatment facilities, licensed; community care facilities, licensed; and residential care facilities for the elderly, licensed; for six or fewer residents.

Sec. 7. New Paragraph 8 is added to Subsection B of Section 12.08.3 of the Los Angeles Municipal Code to read:

8. Alcoholism or drug abuse recovery or treatment facilities, licensed; community care facilities, licensed; and residential care facilities for the elderly, licensed; for six or fewer residents.

Sec. 8. New Paragraph 6 is added to Subsection B of Section 12.08.5 of the Los Angeles Municipal Code to read:

6. Alcoholism or drug abuse recovery or treatment facilities, licensed; community care facilities, licensed; and residential care facilities for the elderly, licensed; for six or fewer residents.

Sec. 9. New Paragraph 12 is added to Subsection A of Section 12.09.1 of the Los Angeles Municipal Code to read:

12. Alcoholism or drug abuse recovery or treatment facilities, licensed; community care facilities, licensed; and residential care facilities for the elderly, licensed; for six or fewer residents.

Sec. 10. New Paragraph 7 is added to Subsection B of Section 12.09.5 of the Los Angeles Municipal Code to read:

7. Alcoholism or drug abuse recovery or treatment facilities, licensed; community care facilities, licensed; and residential care facilities for the elderly, licensed; for six or fewer residents.

Sec. 11. New Paragraph 13 is added to Subsection A of Section 12.10 of the Los Angeles Municipal Code to read:

13. Alcoholism or drug abuse recovery or treatment facilities, licensed; community care facilities, licensed; and residential care facilities for the elderly, licensed; for six or fewer residents.

Sec. 12. New Paragraph 13 is added to Subsection A of Section 12.12 of the Los Angeles Municipal Code to read:

13. Alcoholism or drug abuse recovery or treatment facilities, licensed; community care facilities, licensed; and residential care facilities for the elderly, licensed; for six or fewer residents.

Sec. 13. New Paragraph 15 is added to Subsection A of Section 12.12.2 of the Los Angeles Municipal Code to read:

15. Alcoholism or drug abuse recovery or treatment facilities, licensed; community care facilities, licensed; and residential care facilities for the elderly, licensed; for six or fewer residents.

Sec. 14. New Sub-subparagraph (6) added to Subparagraph (d) of Paragraph 4 of Subsection A of Section 12.21 of the Los Angeles Municipal Code to read:

(6) Any alcoholism or drug abuse recovery or treatment facility, licensed; community care facility, licensed; or residential care facility for the elderly, licensed; shall meet the following requirements for automobile parking spaces:

(i) If the alcoholism or drug abuse recovery or treatment facility, licensed; community care facility, licensed; or residential care facility for the elderly, licensed; is for six or fewer residents, then the facility shall meet the requirements for automobile parking spaces set forth in Section 12.21 A 4 (a) of this Code; or

(ii) If the alcoholism or drug abuse recovery or treatment facility, licensed, is for seven or more residents, then one automobile parking space must be provided for every resident; or

(iii) If the community care facility, licensed, or residential care facility for the elderly, licensed, is for seven residents, then a minimum of two automobile parking spaces must be provided, with 0.2 automobile parking space provided for each additional resident over the number seven.

Sec 15. Subsection D of Section 12.21 of the Los Angeles Municipal Code is deleted:

~~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. 16. A new Subdivision 30 is added to Subsection A of Section 12.22 of the Los Angeles Municipal Code to read:

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

Sec. 17. Paragraph 9 of Subsection X of Section 12.24 of the Los Angeles Municipal Code is deleted:

~~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 of the Los Angeles Municipal Code is amended to read:

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 must be removed 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 may modify the conditions of operation or discontinue the use.

Sec. 19. A new Paragraph 10 is added to Subsection A of Section 14.00 of the Los Angeles Municipal Code to read:

10. Alcoholism or drug abuse recovery or treatment facilities, licensed, community care facilities, licensed, and residential care facilities for the elderly, licensed, for seven or more residents in the A, R, and C zones.

(a) Performance standards:

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

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

(3) The facility 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 are maintained, including the exterior façade, landscaping, fences, walls, lawn areas, and driveways;

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

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

(7) Total occupancy in the facility does not exceed two residents for every bedroom or guest room.

(b) Purposes: Alcoholism or drug abuse recovery or treatment facilities, community care facilities, and residential care facilities for the elderly for seven or more residents in the A, R and C zones shall be compatible with the character of the neighborhood and not adversely impact the health, safety and welfare of the persons residing in the facility or the neighborhood. Parking, traffic and transportation impacts shall be insignificant. The operation must comply with state law and must have a state license. The number of residents allowed per facility is limited in order to keep density within acceptable limits.

Sec 20. The City Clerk shall certify ...