

ORDINANCE NO. _____

An ordinance amending Sections 11.5.7, 12.03, 12.10, 12.11, 12.12, 12.13, 12.21, 12.24, and 19.01 of, and adding Article 4.3 to, Chapter I of the Los Angeles Municipal Code to add definitions for new and previously undefined uses, provide development standards for Alzheimer's/Dementia Care Housing, Assisted Living Care Housing, Senior Independent Housing and Skilled Nursing Care Housing, create a single approval process for these uses, and facilitate the processing of applications of Eldercare Facilities.

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

Section 1. A new Paragraph (g) is added to Subdivision 1 of Subsection F of Section 11.5.7 of the Los Angeles Municipal Code to read:

(g) Eldercare Facilities. An applicant who files an application involving Eldercare Facilities seeking relief from specific plan regulations need not apply for a specific plan exception pursuant to Subsection F of this section but need only apply for and receive an approval pursuant to Section 14.3.1 of this Code.

Sec. 2. Section 12.03 of the Los Angeles Municipal Code is amended by adding the following definitions in alphabetical order:

Alzheimer's/Dementia Care Housing. Residential housing that is licensed by the California Department of Social Services and provides 24-hour care for people suffering from Alzheimer's disease or other disorders resulting in dementia. The residential units shall be guest rooms only. The housing may be a component of an Eldercare Facility.

Assisted Living Care Housing. Residential housing that is licensed by the California Department of Social Services and provides assistance to people 62 years of age or older who require assistance with two or more non-medical activities of daily living as defined in the Department of Social Services licensing requirements. The residential units may consist either of dwelling units or guest rooms. Full time medical services shall not be provided on the premises. The housing may be a component of an Eldercare Facility.

Eldercare Facility. One functionally operated facility, which provides residential housing for persons 62 years of age and older, and which combines in one facility, two or more of the following housing types: Senior Independent Housing, Assisted Living Care Housing, Skilled Nursing Care Housing, and/or Alzheimer's/Dementia Care Housing. A minimum of 75 percent of the floor area,

exclusive of common areas, shall consist of Senior Independent Housing and/or Assisted Living Care Housing.

Senior Independent Housing. Residential housing that consists of dwelling units for persons 62 years of age and older and may include common dining areas or other community rooms. Full time medical services shall not be provided on the premises. It may be a component of an Eldercare Facility.

Skilled Nursing Care Housing. Residential housing that is licensed by the California Department of Health and provides acute, intermediate, or long-term skilled nursing care and consists only of guest rooms for its residents. Full time medical services may be provided on the premises. It may be a component of an Eldercare Facility.

Sec. 3. New Subdivisions 11 and 12 are added to Subsection A of Section 12.10 of the Los Angeles Municipal Code to read:

11. Senior Independent Housing

12. Assisted Living Care Housing

Sec. 4. A new Subdivision 14 is added to Subsection A of Section 12.11 of the Los Angeles Municipal Code to read:

14. Eldercare Facility

Sec. 5. New Subdivisions 11 and 12 are added to Subsection A of Section 12.12 of the Los Angeles Municipal Code to read:

11. Skilled Nursing Care Housing

12. Alzheimer's/Dementia Care Housing

Sec. 6. New Subparagraphs (29), (30) and (31) are added to Paragraph (a) of Subdivision 2 of Subsection A of Section 12.13 of the Los Angeles Municipal Code to read:

(29) Skilled Nursing Care Housing

(30) Alzheimer's/Dementia Care Housing

(31) Eldercare Facility

Sec. 7. Subparagraph (5) of Paragraph (d) of Subdivision 4 of Subsection A of Section 12.21 of the Los Angeles Municipal Code is amended to read:

(5) Any Eldercare Facility shall meet the following requirements for automobile parking spaces for each housing type within the facility.

Housing Type	Required Parking For Each Housing Type (whether or not included within an Eldercare Facility)
Senior Independent Housing	1 automobile parking space for each dwelling unit
Assisted Living Care Housing	1 automobile parking space for each dwelling unit or 1 automobile parking space for each guest room
Skilled Nursing Care Housing	0.2 automobile parking space for each guest bed
Alzheimer's/Dementia Care Housing	0.2 automobile parking space for each guest bed

Sec. 8. Paragraph (u) of Subdivision 4 of Subsection A of Section 12.21 of the Los Angeles Municipal Code is amended to read:

(u) Senior Independent Housing/Assisted Living Care Housing/Housing Development Occupied By Disabled Persons. Except for Skilled Nursing Care Housing and Alzheimer's/Dementia Care Housing, the number of parking spaces required for Senior Independent Housing, Assisted Living Care Housing, or a housing development occupied by disabled persons as set forth below, may be reduced to 50 percent of the number otherwise required by this subdivision if all of the following requirements are met:

(1) Each dwelling unit or guest room in the development shall be occupied by at least one person who is disabled or 62 years of age or older, except for management or maintenance personnel who are required to live on the premises. For purposes of this paragraph, a disabled person is a person who has: (a) physical or mental disabilities, which seriously restricts that person from operating a motor vehicle; (b) is expected to be of long, continued and indefinite duration; (c) substantially impedes his or her ability to live independently; and (d) is of a nature that the ability to live independently could be improved by more suitable housing conditions.

(2) There shall also be provided at least ten square feet of indoor recreation space and at least 50 square feet of usable open space for each dwelling unit in the development, both of which shall be available and accessible to all residents of the development. The open space may

be located on the ground, on terraces or on rooftops, shall be landscaped or developed for active or passive recreation and may include roofed recreation areas, swimming pools, or unenclosed porches where not otherwise prohibited. The open space may include walkways, but shall not include land used for required front or side yards, private streets, driveways, passageways, parking, loading or service areas.

(3) Prior to the issuance of a building permit for construction of the development, the owner shall execute and record in the Office of the County Recorder of Los Angeles County, as a covenant running with the land for the benefit of the City of Los Angeles, an agreement that if the Department of Building and Safety determines that the development ceases to qualify under Subparagraph 1 above, the owner will at the written request of the Department of Building and Safety develop the additional parking spaces otherwise required for the development by this subdivision.

Sec. 9. Subdivision 38 of Subsection W of Section 12.24 of the Los Angeles Municipal Code is amended to read:

38. Reduced on-site parking for Senior Independent Housing, Assisted Living Care Housing, and/or a Housing Development Occupied By Disabled Persons in the RD, R3, RAS3, R4, RAS4, or R5 Zones, CR, C1, C1.5, C2, C4 or C5 Zones, provided that:

(a) For purposes of this subdivision, a disabled person is a person who has: (a) physical or mental disabilities, which seriously restricts that person from operating a motor vehicle; (b) is expected to be of long, continued and indefinite duration; (c) substantially impedes his or her ability to live independently; and (d) is of a nature that the ability to live independently could be improved by more suitable housing conditions.

(b) Parking spaces may be reduced to 25 percent of the number otherwise required by Section 12.21 A 4 (u).

(c) The reduced number of parking spaces provided for each development shall be determined by a Zoning Administrator on the basis of:

(1) anticipated parking needs of occupants, employees and visitors; and

(2) availability of public transit; and

(3) access from the site to medical facilities, shopping, commercial services and community facilities.

(d) Each application for reduction of parking spaces shall be referred promptly for review to the Councilmember of the district in which the property is located.

(e) When a reduction of parking spaces is approved, the owner of the land shall furnish and record an agreement in the Office of the County Recorder of Los Angeles County, California, as a covenant running with the land for the benefit of the City of Los Angeles, providing that, should the use change, the owner will develop the parking spaces to meet the requirements of Sections 12.21 A 4 and 5.

Sec. 10. A new Article 4.3 is added to Chapter I of the Los Angeles Municipal Code to read:

ARTICLE 4.3

ELDERCARE FACILITY UNIFIED PERMIT PROCESS

SEC. 14.3.1. ELDERCARE FACILITIES.

A. Purpose Statement. The purpose of this article is to provide development standards for Alzheimer's/Dementia Care Housing, Assisted Living Care Housing, Senior Independent Housing and Skilled Nursing Care Housing, create a single process for approvals and facilitate the processing of applications of Eldercare Facilities. These facilities provide much needed services and housing for the growing senior population of the City of Los Angeles.

B. Eldercare Facility Unified Permit. The Zoning Administrator, as the initial decision maker, may, upon application, permit an Eldercare Facility to be located on a lot or lots in the A1 through R3 Zones, or in the RAS3, R4, RAS4, R5, and all C Zones, when an Eldercare Facility does not meet the use, area, or height provisions of the respective zone contained in this chapter, or the requirements of any specific plan, supplemental use district, "T" classification, "Q" condition, "D" limitation, or Citywide regulation adopted or imposed by City action. In order to approve the project, the Zoning Administrator shall ensure that it is in conformance with the provisions of this section.

In addition, if the proposed Eldercare Facility is located within the boundaries of an adopted specific plan, notwithstanding the provisions of Section 11.5.7 C of this Code, the Zoning Administrator shall have the initial decision making authority to decide whether the proposed Eldercare Facility is in conformance with the applicable regulations of the specific plan. In making this determination, the Zoning Administrator

shall make each of the findings set forth in Section 11.5.7 C 2 of this Code, following the provisions set forth in this section. Further, if the proposed Eldercare Facility is subject to site plan review, notwithstanding the provisions of Section 16.05 of this Code, the Zoning Administrator shall have the initial decision making authority relating to site plan approval. In making this determination, the Zoning Administrator shall make each of the findings set forth in Section 16.05 F of this Code, following the provisions set forth in this section.

C. Application for Permit. To apply for an Eldercare Facility Unified Permit approval, an applicant shall file an application and development plans with the Department of City Planning, on a form provided by the Department, and include all information required by the instructions on the application and the guidelines adopted by the Director of Planning. The Director of Planning shall adopt guidelines which shall be used to determine when an application is deemed complete. The application shall include a description of how the proposed Eldercare Facility meets the findings set forth in this section.

D. Procedures. An application for an Eldercare Facility Unified Permit shall follow the procedures set forth in Sections 14.00 B4, 14.00 B7 through B11 and Section 19.00 of this Code. If the Zoning Administrator fails to act on an application within the time provided, the applicant may file a request for a transfer of jurisdiction to the Area Planning Commission for decision, pursuant to the procedures set forth in Section 14.00 B8. An applicant or any other person aggrieved by a decision of the Zoning Administrator may appeal the decision to the Area Planning Commission pursuant to the procedures set forth in Section 14.00 B9 and Section 19.00.

E. Findings for Approval. In order to grant the approval, the Zoning Administrator must find that the strict application of the land use regulations on the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations. The Zoning Administrator must also find that the Eldercare Facility:

1. Will not be materially detrimental or injurious to properties or improvements in the immediate area; and
2. Will provide services to the elderly such as housing, medical services, social services, or long term care to meet the citywide demand; and
3. Will not create an adverse impact on street access or circulation in the surrounding neighborhood; and
4. Consists of an arrangement of buildings and structures (including height, bulk, and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other pertinent improvements, which is or will

be compatible with existing and planned future development on neighboring properties; and

5. Is in conformance with any applicable provision of the General Plan.

F. Conditions of Approval. In approving any Eldercare Facility pursuant to this section, the Zoning Administrator may impose those conditions, based upon written findings, which it deems necessary to protect the best interests of the surrounding property or neighborhood, or to ensure that the development is compatible with the surrounding properties or neighborhood, or to lessen or prevent any detrimental effect on the surrounding property or neighborhood, or to secure appropriate development in harmony with the objectives of the General Plan.

G. Fees. The fee shall be as provided in Section 19.01 X for the Eldercare Facility Unified Permit.

H. Existing Uses. Any lawful use of an Eldercare Facility existing on a lot or portion of a lot at the time the property is first classified in a zone in which the use is permitted only by conditional use or at the time the use in that zone first becomes subject to the requirements of this section, shall be deemed to be approved for the Eldercare Facility Unified Permit and may be continued on the lot. Further, the conditions included in any special district ordinance, exception, conditional use, or variance, which authorized the use, shall also continue in effect.

I. Development of Site. On any lot or portion of a lot on which an Eldercare Facility Unified Permit has been approved pursuant to the provisions of this section, new buildings or structures may be erected, enlargements may be made to existing buildings, and the existing housing types within the Eldercare Facility may be extended on the approved site, provided that development plans are submitted to and approved by the Zoning Administrator. The Zoning Administrator may disapprove the plans if he/she finds that the use does not conform to the purpose and intent of the findings required for an Eldercare Facility under this section, and may specify the conditions under which the plans may be approved. The decision of the Zoning Administrator shall be subject to the same appeal procedures as is provided for an application to establish the Eldercare Facility.

J. Reduction of Site. So long as the Eldercare Facility use is continued, the entire approved site shall be retained as an Eldercare Facility, and no portion shall be severed from the site or utilized for other purposes unless development plans for the reduced site are first submitted to and approved by the Zoning Administrator. The decision of the Zoning Administrator shall be subject to the same appeal procedures as is provided for an application to establish the Eldercare Facility.

K. Change of Use. No housing type within an Eldercare Facility may be changed to a different housing type unless the new housing type is authorized in accordance with the procedures in this section for the establishment of an Eldercare Facility. As part of any Eldercare Facility Unified Permit, the Zoning Administrator or the Area Planning Commission on appeal, may approve changes to the number of dwelling units, guest beds, guest rooms, or floor area provided that a minimum of 75 percent of the floor area, exclusive of common areas, shall consist of Senior Independent Housing and/or Assisted Living Care Housing.

L. Discontinuance of Use. If an Eldercare Facility is abandoned, or is discontinued for a continuous period of one year, it may not be re-established unless authorized in accordance with the procedures in this section for the establishment of an Eldercare Facility.

M. Revocation. The revocation procedure that applies to conditional uses and other similar quasi-judicial approvals in Sections 12.24 Z and 12.24 AA shall also apply to revocations of Eldercare Facilities that were granted pursuant to the procedures in this section.

Sec. 11. A new Subsection X is added to Section 19.01 of the Los Angeles Municipal Code to read:

X. Eldercare Facility Unified Permit Applications.

FILING FEE	FEE FOR EACH APPEAL
\$5265.00	85% of the filing fee

(109881)

Sec. 12. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

FRANK T. MARTINEZ, City Clerk

By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By _____
JOLAINE HARKLESS
Assistant City Attorney

Date _____

File No. CF No. 03-1056; CPC No. 2003-1038

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

_____, 2006

See attached report.

S. Gail Goldberg
Director of Planning