



# DEPARTMENT OF CITY PLANNING

## RECOMMENDATION REPORT

### CITY PLANNING COMMISSION

**Date:** April 24, 2025

**Case No.:** CPC-2025-1648-CA

**Time:** After 8:30 a.m. \*

**CEQA No.:** ENV-2025-1649-SE

**Place:**

Van Nuys City Hall

14410 Sylvan Street #215

Van Nuys, CA 91401

**Related Cases:**

CPC-2019-1881-CA, ENV-2019-1882-SE

CPC-2016-11-CA, CPC-2016-12-CA

**Public Hearing:** April 24, 2025

**Council Number:** All

And via Teleconference. Information will be provided no later than 72 hours before the meeting on the meeting agenda published at <https://planning.lacity.org/about/commissions-boards-hearings> and/or by contacting [cpc@lacity.org](mailto:cpc@lacity.org).

**Appeal Status:** n/a

**Applicant:** Department of City Planning

**PROJECT  
LOCATION:**

Citywide

**PROPOSED  
PROJECT:**

Emergency Shelter Code Amendment

An ordinance amending Chapter 1 Sections 12.80 and 12.81 and Chapter 1A Sections 1.6.2 and 1.6.3, and other related sections, of the Los Angeles Municipal Code (LAMC) to make technical amendments to align with emergency shelter provisions codified in State law (Government Code Section 8698 et. seq).


**RECOMMENDED ACTIONS EMERGENCY SHELTER CODE AMENDMENT:**

1. **Determine** the Proposed Code Amendment is not a “project” pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15378(b) and the project is exempt from CEQA pursuant to under California Public Resources Code Section 21080(b)(4) and Government Code Section 8698.4(a)(4);
2. **Approve** and recommend that the City Council adopt the proposed ordinance to amend the Chapter 1 Sections 12.80 and 12.81 and Chapter 1A Sections 1.6.2 and 1.6.3 of the Los Angeles Municipal Code (LAMC) and any related Code sections of Chapter 1 and Chapter 1A;
3. **Adopt** the Staff Recommendation Report as the Commission’s report on the subject; and
4. **Adopt** the Findings.

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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 communications may be mailed to the Commission Secretariat, Room 273, City Hall, 200 North Spring Street, Los Angeles, CA 90012. While all written communications are given to the Commission for consideration, the initial packets are sent to the 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 not later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978- 1300.

## Table of Contents

<b>PROJECT ANALYSIS</b>	<b>A-1</b>
Project Summary	
Project Background	
Proposed Ordinance	
Discussion of Key Issues	
Conclusion	
<b>FINDINGS</b>	<b>F-1</b>
Program Findings and Discussion	
Summary of CEQA Findings	
<b>PUBLIC HEARING AND COMMUNICATIONS</b>	<b>P-1</b>
<b>EXHIBITS</b>	
A. Ordinances	
A.1 Chapter 1 Emergency Shelter Code Amendment	
A.2 Chapter 1A Emergency Shelter Code Amendment	
B. Correspondence	

## PROJECT ANALYSIS

### **Project Summary**

This report recommends the adoption of a technical amendment to the City's emergency shelter regulations, as codified in Los Angeles Municipal Code (LAMC) Chapter 1 Sections 12.80 and 12.81 and Chapter 1A Sections 1.6.2 and 1.6.3. The amendment has been prepared in response to a motion adopted by the City Council on February 7, 2025 (CF 24-1587), instructing the Los Angeles Department of City Planning, in consultation with the Office of the City Attorney, to amend the LAMC emergency shelter definition to better align with California state law. The amendment would remove a six-month residency limitation from the City's emergency shelter standards in the Zoning Code, harmonizing the local regulations with state law.

### **Project Background**

According to the 2024 Los Angeles Homeless Services Authority (LAHSA) Homeless Count, 45,252 individuals are experiencing homelessness in the City of Los Angeles, with approximately 29,275 (65%) of those individuals considered to be unsheltered on any given night.<sup>1</sup> Emergency shelters are an important component of the City's overall Homeless Strategy, as they often provide the first point of entry into the homeless services system for many who find themselves homeless. The issue of unsheltered homelessness is exacerbated by a continuing shortage of homeless shelters.

State law (California Government Code 8698 et. seq.) allows California jurisdictions to declare a shelter crisis in order to take immediate action to alleviate the lack of available shelter for persons experiencing homelessness. The declaration of a shelter crisis allows emergency shelters to be permitted through a streamlined review process. Some state and local housing, planning and zoning or other housing standards are suspended during a shelter crisis "to the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis" (CA Gov. Code § 8698.1(b)). Locally, the City of Los Angeles allows emergency shelters to locate on publicly owned or leased land or land owned by charitable organizations during an emergency declaration, pursuant to the standards included in LAMC Ch. 1 Sec. 12.80 and 12.81, and Ch. 1A Sec. 1.6.2 and 1.6.3. The City of Los Angeles is currently operating under a shelter crisis that was originally declared on April 17, 2018.

During periods of a declared shelter crisis, shelters can be established without limitations on the number of beds in the shelter, or the number of persons served, so long as they comply with certain minimum building code provisions in LAMC Sec. 91.8605. LAMC Ch. 1 Sec. 12.80 and Ch. 1A Sec. 1.6.2 allow the establishment of temporary shelters on property located in any

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<sup>1</sup> Los Angeles Homeless Services Authority (2024, June). *2024 Greater Los Angeles Homeless Count Results (Long Version)*.  
<https://www.lahsa.org/documents?id=8164-2024-greater-los-angeles-homeless-count-results-long-version-.pdf>



zone, where the property is owned or leased by the City. LAMC Ch. 1 Sec. 12.81 and Ch. 1A Sec. 1.6.3 provide similar provisions for the establishment of temporary shelters in certain zones if the shelter is operated by a religious institution or a non-profit, charitable organization and the shelter is located on property that is owned or leased by that organization. These shelters must comply with the “Cold/Wet Weather Temporary Shelter” requirements promulgated by the Los Angeles Fire Department in Directive 45, and are subject to noticing requirements to abutting property owners.

The LAMC currently includes a six-month residency limit for “shelters for the homeless” (LAMC Ch. 1 Sec. 12.03) and Temporary Supportive Housing, (the equivalent defined term in LAMC Ch. 1A Sec. 5D.2.4.C and Div. 14.3). This time limit does not exist in the definition of “Homeless Shelter” found in the Shelter Crisis chapter of the California Government Code (Section 8698.4(c)1). The proposed code amendment would link the City’s emergency shelter provisions to the state definition, rather than the local definition, removing the six-month limit that is not required by state law and unnecessarily restrictive.

The six-month limit is also not consistent with the facts on the ground regarding residency. Many shelters experience longer than 6 month stays, and according to data from a LAHSA dashboard, the average days from interim housing enrollment to permanent housing for FY 24/25 Q1 is 272 days, or approximately 9 months.<sup>2</sup> Evidence suggests that individuals experiencing homelessness may require emergency shelter for more than six months and a lack of flexibility may unnecessarily restrict the City’s ability to service those experiencing homelessness.

This amendment would align with earlier updates to these regulations in 2017 and 2019, as well as a related update to the Building Code provisions for emergency shelters in 2018. In 2017, the City Council adopted a Zoning Code amendment to the City’s emergency shelter ordinance to more efficiently establish emergency shelters when a crisis has been declared (Ordinance No. 184,836). In 2018, the City Council adopted an ordinance amending Building Code Section 91.8605, updating health and safety regulations enforced by the Department of Building and Safety and the Fire Department to allow more emergency shelters to be established (Ordinance No. 185,490). In 2019, the City Council adopted a Zoning Code amendment to the City’s emergency shelter ordinance to remove the requirement that the City Council must declare a shelter crisis every 365 days (Ordinance No. 186,339).

In December 2024, the new zoning code (LAMC Ch. 1A) was adopted by the City Council. LAMC Ch. 1A is meant to be more user friendly and modern, compared to LAMC Ch. 1. Chapter 1A contains many of the provisions and regulations from Chapter 1 in the format and style of the new code. LAMC Ch. 1 Sec. 12.80 and 12.81 have Ch. 1A counterparts Sec. 1.6.2 and 1.6.3 respectively. The Downtown Community Plan Update (effective February 7, 2025) is the first to apply the new zoning code. Each Community Plan Update following Downtown will use Ch. 1A, and projects in those community plan areas will be subject to the Ch. 1A citywide standards.

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<sup>2</sup> Los Angeles Homeless Services Authority (2024, November). *LAHSA System Key Performance Indicator (KPI) Dashboard*. <https://www.lahsa.org/data-refresh/home/datadashboard?id=56>

**Proposed Ordinance**

The proposed ordinances provided in Exhibit A incorporate a technical amendment to the City's emergency shelter regulations in LAMC Ch. 1 Sec. 12.80 and 12.81 and Ch 1A Sec. 1.6.2 and 1.6.3 to better ensure consistency with State law. Currently, the emergency shelter sections of LAMC refer to a broad shelter definition - "shelter for the homeless" as defined in 12.03, or "transitional shelter" in Ch 1A. The code amendment will clarify that the emergency shelter standards are applicable to the "homeless shelter" use as defined in the Shelter Crisis Chapter of the California Government Code (8698.4(c)), synchronizing City and State law. This amendment will remove a self-imposed six month residency limit in emergency shelters from LAMC, as state law does not include any such time constraints.

The proposed edits to Ch 1A also include a new definition of "homeless shelter" in Division 14.3 to meet the style and formatting requirements of the new code. Generally, if a defined term is used in multiple sections, it is added to the Glossary of the new code. Because the term is used in 1.6.2 and 1.6.3, it has been added to Division 14.3. The ordinances would leave the existing "shelter for the homeless" (LAMC Ch. 1 Sec. 12.03) and "Supportive Housing: Temporary" (LAMC Ch. 1A Sec. 5D.2.4.C) definitions in place as referenced in other parts of the code.

The ordinances also include a retroactive application clause, clarifying that the provisions apply retroactively to any shelter established during any period of a declared shelter crisis. The proposed ordinances do not create any changes to the existing allowances for emergency shelters in the City, nor does it result in any other changes to the City's existing emergency shelter regulations.

**Discussion of Key Issues**

Following is a discussion of the key issues pertaining to the proposed amendments.

***Implications for Removal of Six-Month Residency Limit***

The proposed code amendment would remove an explicit six-month time limit on the length of residency in an emergency shelter, which is currently not in alignment with the Shelter Crisis Chapter of state law governing the use (CA Gov. Code 8698 et. seq.). The consistency this code amendment intends to provide with state law will further support the City's ability to address the declared shelter crisis as it will provide greater certainty in the process for providers to open and operate emergency shelters. By aligning procedures with state law, the proposed ordinance could help ensure that an adequate supply of emergency and short-term housing can be established for people who are homeless or at risk of experiencing homelessness.

***Parking Requirements***

The LAMC currently includes parking requirements for emergency shelters that do not exist in the state law (CA Gov. Code 8698 et. seq.). If the lot on which any emergency shelter is located does not have sufficient area to provide code required parking, the code offers relief, and the

number of spaces is determined based on how much area exists for parking. While this is intended to be a flexible standard, it is self-imposed, as the state law is silent on parking requirements for emergency shelters. While amending these parking requirements is outside of the scope of the original Motion adopted by the City Council, staff felt it would be helpful to include this as an issue for decision makers to the extent that it presents an inconsistency between local zoning standards and state law.

***Unlinking from the “Shelter for the Homeless” (LAMC Ch. 1 Sec. 12.03) definition***

The proposed ordinance has the effect of removing several requirements included in the LAMC “shelter for the homeless” definition (Ch. 1 Sec. 12.03). First, a “shelter for the homeless” is operated by a provider, meaning a government agency, religious institution, or non-profit charitable organization, which meets all the applicable requirements contained in the California Health and Safety Code and California Code of Regulations. Additionally, a “shelter for the homeless” must meet the standards for shelters contained in Title 25, Division 1, Chapter 7 of the California Code of Regulations. The proposed amendment would decouple the emergency shelter regulations from this definition, and instead rely upon the relevant state law (CA Gov. Code § 8698.4) to regulate shelters. Additionally, the zoning standards contained in LAMC Ch. 1 Sec. 12.80 and 12.81, the Building Regulations for Emergency Homeless Shelters (LAMC Sec. 91.8605) and the Cold/Wet Weather Temporary Shelter requirements in Directive 45 from the Los Angeles Fire Department regulate these uses.

Separately, the “shelter for the homeless” definition prohibits any “community care facility” as defined in California Health and Safety Code Sec. 1502, which, in turn, relies on implementing regulations adopted by the State Department of Developmental Services. The state law and regulations establish descriptive definitions of “community care facility” which cause the definition to be difficult to apply. This local restriction is not required by the State’s shelter crisis law at CA Gov. Code Sec. 8698.4. Unlinking the LAMC language concerning CA Gov. Code 8698.4 shelters from the “community care facility” definition adds clarity and predictability to the process and is consistent with the City’s longstanding policy to rely on Section 8698.4 as broadly as possible to serve persons experiencing homelessness.

**Conclusion**

Staff recommends adoption of the proposed ordinances (Exhibit A), which will ensure that emergency shelter regulations in Los Angeles are in alignment with the applicable provisions of state law (CA Gov. Code Sec. 8698 et seq.).

## FINDINGS

### Program Findings and Discussion

#### **A. City Charter Findings**

**City Charter Section 556, 558 and LAMC Section 13B.1.3** - Charter Sections 556 and 558 and LAMC Sec. 13B.1.3 require the City Planning Commission and the City Council to adopt the following findings when taking any action to amend zoning or other land use regulations concerning permissible uses, height, density, bulk, location or use of buildings or structures, size of yards, open space, setbacks, building line requirements, and other similar requirements (collectively zoning ordinances):

- (1) The zoning ordinance is in substantial conformance with the purposes, intent, and provisions of the General Plan.
- (2) The zoning ordinance is in conformity with public necessity, convenience, general welfare, and good zoning practice.
- (3) Other findings required by law.

Pursuant to City Charter Section 556 and 558, and LAMC Sec. 13B.1.3, the proposed Emergency Shelter Code Amendment as part of the 2021 - 2029 Housing Element Program 115 (Zoning and Development Standards for Homeless Housing) are in substantial conformance with the purpose, intent and provisions of the General Plan. The code amendment is also in conformance with the public necessity, convenience, general welfare and good zoning practice and other laws. In particular, they respond to the City's declared shelter crisis, which is meant to facilitate the provision of emergency shelters for persons experiencing homelessness in a timely manner to help alleviate hardship and potential threats to their health and safety that may occur as a result of the shelter crisis.

#### **B. General Plan Findings**

The City's General Plan includes an overarching goal of preventing and ending homelessness, as well as a number of related objectives and policies around the provision of short-term emergency housing. Specifically, the proposed ordinance is consistent with, and helps to further accomplish the following goals, objectives and policies of the General Plan as set forth below.

#### General Plan Framework Element

*GOAL 4A – An equitable distribution of housing opportunities by type and cost accessible to all residents of the City.*

*Objective 4.4 – Reduce regulatory and procedural barriers to increase housing production and capacity in appropriate locations.*

Housing Element**GOAL 5 – A City committed to preventing and ending homelessness.**

*Objective 5.1: Provide an adequate supply of short-term and permanent housing in addition to supportive services throughout the City that are appropriate for and meet the specific needs of all persons who are homeless or at-risk of homelessness.*

*Policy 5.1.1 - Ensure an adequate supply of emergency and transitional housing for people who are homeless or are at a risk of becoming homeless, including people with disabilities.*

*Policy 5.1.5 - Expand housing, shelter, and supportive services for the homeless and special needs populations in all communities, and reduce zoning and other regulatory barriers to their placement and operation*

The proposed ordinance meets the intent and purposes of the General Plan in that it supports the by-right operation and placement of shelters for the homeless when a shelter crisis is declared. The proposed ordinance will provide greater alignment between local zoning code regulations for emergency shelters, and the applicable provisions of State Law, thereby providing for greater certainty for providers who partner with the City to open and operate emergency shelters. By aligning procedures with state law, the proposed ordinance will help ensure that an adequate supply of emergency and short-term housing can be established for people who are homeless or at risk of experiencing homelessness.

The ordinance also supports the implementation of Program 115 in the Housing Element (Zoning and Development Standards for Homeless Housing) in that it facilitates by-right siting of shelter and transitional housing facilities, as described in the Program 115 objective.

**Summary of CEQA Findings**

Pursuant to California Government Code Section 8698.4(a)(4), Section 21080(b)(4) of the Public Resources Code and California Environmental Quality Act (CEQA) Guidelines Sections 15378(b), the adoption of the proposed ordinance amending LAMC Ch. 1 Sec. 12.80 and 12.81 and Ch. 1A Sec. 1.6.2 and 1.6.3, and other related sections are exempt from CEQA.

**Government Code Section 8698.4(a)(4)**

Section 8698.4(a)(4) provides that actions by a local agency, such as the City, that will facilitate the lease, conveyance, or encumbrance of land owned by the City for a homeless shelter constructed or allowed by CA Gov. Code § 8698.4 are statutorily exempt from the requirements of CEQA. The proposed ordinance does precisely that, thus, is exempt from the requirements of CEQA.

**CEQA Guidelines Section 15378(b)**

Adoption of the proposed ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15378(b) because it can be seen with certainty that there is no possibility that the project may have a significant effect on the environment.

CEQA Guidelines Section 15378(a) provides that a project under CEQA is one that “has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” Section 15378(b) provides that administrative and organizational activities that will not result in direct or indirect physical changes in the environment are not projects for purposes of CEQA.

The proposed ordinance does not involve any activities that will directly or indirectly alter the environment from its current conditions. The proposed amendments to LAMC Ch. 1 Sec. 12.80 and 12.81 and Ch. 1A Sec. 1.6.2 and 1.6.3 are administrative and organizational in nature, and will ensure that local regulations align with the applicable provisions of State law. There is no potential that the proposed ordinance will result in the creation of additional emergency shelters, as it does not make any changes to existing allowances for emergency shelters. The anticipated result of the proposed ordinance is that temporary emergency shelters will continue to be able to be established, and would not result in any direct or indirect impact to the environment. The provisions will continue to only apply during a declared shelter crisis emergency pursuant to state law (CA Gov. Code Sec. 8698 et. seq). A shelter crisis may be revoked by the Mayor or City Council at any time.

**PRC Section 21080(b)(4) (Emergency Projects)**

Additionally, approval of the project is exempt from CEQA pursuant to Public Resources Code Section 21080(b)(4), which provides that emergency projects are exempt from the requirements of CEQA. In particular, this exemption provides that specific actions necessary to prevent or mitigate an emergency are exempt from CEQA.

While it is clear that the proposed ordinance will not have any significant effect on the environment, even in the unlikely and unforeseeable event that they did, any impacts that could occur from the existing and continuing regulations would occur during times of extreme need for housing, upon declaration of a shelter crisis emergency pursuant to CA Gov. Code Sec. 8698 et seq. Any potential impacts from the proposed amendments to LAMC Ch. 1 Sec. 12.80 and 12.81 and Ch. 1A Sec. 1.6.2 and 1.6.3, and other related sections would therefore be temporary in nature and necessary to mitigate an emergency shelter crisis in the City of Los Angeles.

Therefore, on the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that the adoption of the proposed ordinance is exempt from CEQA. The analysis reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Planning Department in Room 750, 200 North Spring Street in Los Angeles, California.

## PUBLIC HEARING AND COMMUNICATIONS

The amendment has been prepared in response to a motion adopted by the City Council on February 5, 2025 (CF 24-1587), instructing the Los Angeles Department of City Planning, in consultation with the Office of the City Attorney to amend the emergency shelter provisions of LAMC. Following the Director of Planning's Authorization of the code amendment on March 17, 2025, staff met with fellow City employees who are experts in the permitting of emergency shelters at the Bureau of Engineering and the City Administrative Officer of Los Angeles on March 25, 2025 to inform them of the code amendment and discuss any potential impacts to City workflows stemming from the legislative change. Planning Department staff also met with staff from the Los Angeles Homeless Services Authority (LAHSA) on April 2, 2025 to discuss the code amendment.

The draft ordinance and public hearing notice were published on March 27, 2025, allowing for a 28-day public review period prior to the CPC meeting date. The notice was provided through publication in the local newspaper, circulated via email by the Planning Department, and posted to the Department's website. The required public hearing will be held at the City Planning Commission (CPC) meeting on April 24, 2025, in lieu of a staff level public hearing prior to consideration of the item by the CPC.

One comment letter was received in opposition to the amendment by an entity named Fix The City (Exhibit B). The letter asserts that the proposed amendment puts the city in violation of Senate Bill (SB) 2 (2007). This legislation amended housing element law, requiring local jurisdictions to identify at least one zone where emergency shelters are permitted by-right, or to create a housing element program establishing one within a year. The City remains in compliance with SB 2, and this issue is not relevant to the proposed amendment because this code amendment and SB2 refer to separate and distinct types of shelter.

The City is in compliance with SB 2 through its other shelter for the homeless provisions, which provide a by-right process in certain zones (R4 and C1.5 and less restrictive), and in certain less permissive zones through a by-right public benefit process if compliant with certain performance standards (LAMC Ch. 1 Sec. 14.00 A.8) . This is documented in Appendix 2.1 of the Housing Element (see page 10). In Ch 1A, homeless shelters are permitted either by-right, or through a conditional use process in all zones that allow for residential uses. These types of shelters for the homeless are separate and distinct from those subject to the proposed amendments to LAMC Ch. 1 Sec. 12.80 and 12.81 and Ch. 1A Sec. 1.6.2 and 1.6.3, which apply only during a declared shelter crisis. While both SB 2 and this report use the term "emergency shelters," each of these concern different and unrelated types of shelter projects. SB 2 does not govern a shelter crisis project. LAMC Ch. 1 Sec. 12.80 and 12.81, and Ch. 1A Sec. 1.6.2 and 1.6.3, as well as Government Code section 8698.4 regulate these uses. SB 2 concerns shelter projects that do not proceed pursuant to a declared shelter crisis law found at Government Code section 8698.4.

Finally, the comment letter refers to California Health and Safety Code Sec. 50801(e) and California Code of Regulations Sec. 7950. These provisions are not relevant to the proposed ordinance as they concern possible state funding available to certain types of public shelters, and the proposed ordinance does not address funding or limit the City's ability to seek funding under the referenced state law and regulations.



## **EXHIBITS**

### **A. Ordinances**

**A.1 Chapter 1 Emergency Shelter Code Amendment**

**A.2 Chapter 1A Emergency Shelter Code Amendment**

### **B. Correspondence**

**EXHIBIT A.1:**  
**Chapter 1 Emergency Shelter Code Amendment**

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CPC-2025-1648-CA

For consideration by the City Planning Commission

April 24, 2025

**ORDINANCE NO. \_\_\_\_\_**

An ordinance amending Section 12.80 and 12.81 of Chapter I of the Los Angeles Municipal Code to incorporate the definition of “homeless shelter” as defined in state law.

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

**Sec. 1.** Section 12.80 of Chapter I of the Los Angeles Municipal Code is amended to read as follows:

**SEC. 12.80. HOMELESS SHELTERS – EMERGENCIES – CITY OWNED AND LEASED PROPERTY.**

Notwithstanding any provisions of this article to the contrary, during any period for which the Mayor and/or the City Council have declared a shelter crisis within the meaning of Government Code Sections 8698, et seq., a homeless shelter ~~for the homeless~~ (as defined in Government Code Section 8698.4(c)(1)~~12.03 of this Code~~) may be established and operated on property owned or leased by the City of Los Angeles in any zone as a matter of right without regard to the number of beds or number of persons served. Facilities used as a shelter for the homeless under this section must comply with the minimum building regulations set forth in Section 91.8605 of this Code, as it is currently written or as it may be amended in the future. If the lot on which any such shelter is located does not have sufficient area to provide the number of parking spaces required by Section 12.21 A.4.(w) of this Code, then the number of spaces required shall be the number for which adequate area exists. If insufficient area for any parking spaces exists on the lot, no spaces shall be required.

**Sec. 2.** Subsection A of Section 12.81 of Chapter I of the Los Angeles Municipal Code is amended to read as follows:

**SEC. 12.81. HOMELESS SHELTERS - EMERGENCIES - CHARITABLE ORGANIZATIONS.**

A. Notwithstanding any provisions of this article to the contrary, during any period for which the Mayor and/or the City Council have declared a shelter crisis within the meaning of Government Code Sections 8698 et seq., a homeless shelter ~~for the homeless~~ (as defined in Government Code Section 8698.4(c)(1)~~Section 12.03 of this Code~~) may be established and operated in the R3, RAS3, R4, RAS4, R5, C2, C4, C5, CM, M1, M2, and M3 zones without regard to the number of beds or number of persons served, if the shelter is operated by a religious institution or a non-profit, charitable

organization and the shelter is located on property owned or leased by that institution or organization. If the lot on which any such shelter is located does not have sufficient area to provide the number of parking spaces required by Section 12.21 A.4.(w) of this Code, then the number of spaces required shall be the number for which adequate area exists. If insufficient area for any parking spaces exists on the lot, no spaces shall be required. Unreinforced masonry and/or non-ductile concrete buildings shall not be used as shelters for the homeless.

**Sec. 3. Retroactive Application.** The provisions of this ordinance shall apply retroactively to every homeless shelter established during any period for which the Mayor or the City Council have declared a shelter crisis within the meaning of California Government Code section 8698, et. seq, or subject to the provisions of Sections 12.80 or 12.81 of Chapter I of this Code.

**EXHIBIT A.2:**  
**Chapter 1A Emergency Code Amendment**

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CPC-2025-1648-CA

For consideration by the City Planning Commission

April 24, 2025

**ORDINANCE NO. \_\_\_\_\_**

An ordinance amending Sections 1.6.2 and 1.6.3 and Division 14.3 of Chapter 1A of the Los Angeles Municipal Code to incorporate the definition of “homeless shelter” as defined in state law.

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

**Sec. 1.** Section 1.6.2. of Chapter 1A of the Los Angeles Municipal Code is amended to read as follows:

**SEC. 1.6.2. EMERGENCY HOMELESS SHELTERS — CITY OWNED & LEASED PROPERTY**

1. Regardless of any provisions of this Zoning Code (Chapter 1A) to the contrary, during any period for which the *Mayor* or the *City Council* have declared a shelter crisis within the meaning of California Government Code, Sec. 8698. (Shelter Crisis), et seq., a ~~transitional shelter~~ homeless shelter may be established and operated on property owned or leased by the City of Los Angeles in any zone as a matter of right regardless of the number of beds or number of persons served.
2. Facilities used as a ~~transitional shelter~~ homeless shelter under this Section (Emergency Homeless Shelters — City Owned & Leased Property) shall comply with the minimum building regulations set forth in Chapter IX. (Building Regulations), Sec. 91.8605. (Emergency Homeless Shelters) of this Code, as it is currently written or as it may be amended in the future, and are exempt from the requirements of the *zoning districts*.
3. If the *lot* on which any such shelter is located does not have sufficient area to provide the number of *parking stalls* required by Sec. 4C.4.1. (Automobile Parking Stalls), then the number of ~~spaces~~ parking stalls required shall be the number for which adequate area exists. If insufficient area for any *parking stalls* exists on the *lot*, no spaces shall be required.

**Sec. 2.** Section 1.6.3. of Chapter 1A of the Los Angeles Municipal Code is amended to read as follows:

**SEC. 1.6.3. EMERGENCY HOMELESS SHELTERS— CHARITABLE ORGANIZATIONS**

1. Regardless of any provisions of this Zoning Code (Chapter 1A) to the contrary, during any period for which the *Mayor* or the *City Council* have declared a shelter crisis within the meaning of California Government Code, Sec. 8698. (Shelter Crisis), et seq., a ~~transitional-shelter~~homeless shelter may be established and operated on a *lot* zoned with a Residential Use District (Div. 5B.3.) with a Density District (Part 6B.) of FA to 8, Residential-Mixed Use District (Div. 5B.4.) with a Density District (Part 6B.) of FA to 8, Commercial-Mixed Use District (Div. 5B.5.), Industrial-Mixed Use District (Div. 5B.6.), or Industrial Use District (Div. 5B.7.) regardless of the number of beds or number of persons served, or any applicable Form District (Part 2B.) or Frontage District (Part 3B.) standards, if the ~~transitional~~homeless shelter is operated by a *religious institution* or a non-profit charitable organization and the ~~transitional-shelter~~homeless shelter is located on property owned or leased by that institution or organization.
2. Facilities used as a ~~transitional-shelter~~homeless shelter under this Section (Emergency Homeless Shelters — Charitable Organizations) shall comply with the minimum building regulations set forth in Chapter IX. (Building Regulations), Sec. 91.8605. (Emergency Homeless Shelters), as it is currently written or as it may be amended in the future, and are exempt from the requirements of the *zoning districts*.
3. If the *lot* on which any such ~~transitional-shelter~~homeless shelter is located does not have sufficient area to provide the number of *parking stalls* required by Sec. 4C.4.1. (Automobile Parking Stalls), then the number of ~~spaces~~parking stalls required shall be the number for which adequate area exists. If insufficient area for any *parking stalls* exists on the *lot*, no ~~spaces~~parking stalls shall be required.
4. Unreinforced masonry or non-ductile concrete buildings shall not be used as ~~shelters for the homeless~~a homeless shelter
5. Any provider establishing and operating a ~~transitional-shelter~~homeless shelter shall also comply with the following requirements:
  1. Providers shall register with the City of Los Angeles by submitting a Cold/Wet Weather Temporary Shelter Application online via the City's website ([www.lacity.gov](http://www.lacity.gov)); and
  2. Providers shall comply with the Cold/Wet Weather Temporary Shelter requirements promulgated by the Los Angeles Fire Department's Fire Prevention and Public Safety Bureau;

3. Providers shall provide written notification to the owners of properties *abutting* the subject property, as well as to any *school* located within 500 feet of the subject property, prior to operating a ~~transitional~~*homeless shelter* on the subject property; and
4. Providers shall comply with all local, state, and federal requirements that apply to the permitted use of their property while operating a ~~transitional~~*homeless* shelter pursuant to this Section (*Emergency Homeless Shelters — Charitable Organizations*).

**Sec. 3.** The following definition is added in alphabetical order to Division 14.3. of Article 14. of Chapter 1A of the Los Angeles Municipal Code to read as follows:

Homeless Shelter: For the purposes of Sec. 1.6.2. (Emergency Homeless Shelters — City Owned & Leased Property) and Sec. 1.6.3. (Emergency Homeless Shelters — Charitable Organizations), homeless shelter is defined pursuant to California Government Code, Chapter 7.8. (Shelter Crisis), Sec. 8698.4(c)(1).

**Sec. 4. Retroactive Application.** The provisions of this ordinance shall apply retroactively to every homeless shelter established during any period for which the Mayor or the City Council have declared a shelter crisis within the meaning of California Government Code section 8698, et. seq, or subject to the provisions of Sections 1.6.2. (Emergency Homeless Shelters — City Owned & Leased Property) or Section. 1.6.3. (Emergency Homeless Shelters — Charitable Organizations) of Chapter 1A of this Code.



## **EXHIBIT B:**

### **Correspondence**

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CPC-2025-1648-CA

For consideration by the City Planning Commission

April 24, 2025

# FIX THE CITY

CPC Commission Public Hearing on **Emergency Shelter Code Amendment (CF 24-1587)**

April 24, 2025

VIA EMAIL: [julia.heidelman@lacity.org](mailto:julia.heidelman@lacity.org); [Laura@FixTheCity.org](mailto:Laura@FixTheCity.org)

## **THE PROPOSED EMERGENCY SHELTER CODE AMENDMENTS VIOLATE SB2 (2007)**

Dear CPC Commissioners:

COLA implemented [CGCS 8698.4](#) through [LAMC 12.80](#), the City's *Shelter Crisis Ordinance*. *LAMC 12.80 mirrors SB 2. Substituting CGCS 8698.4's definition for a "homeless shelter" for SB2/ LAMC 12.80's definition of an emergency shelter does not cure the city's problem. Instead, the proposed code amendments violate three (3) state laws which consistently limit emergency shelters to six months:*

- *SB2, California Planning and Zoning Code ([CGCS 65582\(d\)](#)),*
- *[CCR Sec. 7950](#), and*
- *[CHSC 50801\(e\)](#).*

***The problem is not LAMC 12.80, it is LAHSA's failure to follow state law (SB 2). The city is in violation of SB2 because of LAHSA's operational and funding requirements, not the zoning code.*** Since LAHSA selects service providers, they are not required to enforce a six-month limit. *Disbanding LAHSA is the perfect opportunity to correct the problem and enforce the six-month limit.* Instead, the city is proposing to flagrantly violate state zoning law by substituting CGCS 8698.4 for LAMC 12.80/SB2. LAHSA regulations have no time limit and mandate extensive services on and off-site for emergency shelters. Fix The City is litigating this very issue.

Rather than curing a problem, these Emergency Shelter Code Amendments create a new problem by attempting to circumvent the state-mandated six-month limit for emergency shelters. [Public Counsel](#), in its Best Practices for implementing SB2, warned in 2017:

"Thus, as a jurisdiction looks to ensure its zoning code complies with SB2, it is important to ensure that the zoning code definition of emergency shelter is consistent with the statutory definition" (p. 6)

### **The proposed zoning code amendments are NOT consistent with SB2 state zoning code.**

SB2's legislative intent was to provide a uniform definition for emergency shelters for all jurisdictions, including charter cities, and to allow emergency shelters by right. This is exactly what LAMC 12.80 does: emergency shelters, as defined in LAMC 12.80 and in SB2, are permitted by right, *but are limited to six month stays. Fix The City is presently litigating this very point.*

The state definition for an emergency shelter controls all emergency shelters in California, including charter cities ([CGCS 65589.5](#)):

(g) This section shall be applicable to charter cities because the Legislature finds that the lack of housing, including emergency shelter, is a critical statewide concern" (p. 12).

## FIX THE CITY

The State Planning and Zoning Code ([SB2](#)) ([CGCS 65882\(d\)](#)) limits ALL emergency shelters to six months occupancy and minimal services. SB 2 became effective in 2008 and was [supported by COLA](#) (see p. 9).

Specifically, SB2, CGCS 65582(d) states: “‘Emergency shelter’ has the same meaning as defined in subdivision (e) of Section 50801 of the Health and Safety Code:”

[CHSC Sec. 50801\(e\)](#) states: “Emergency shelter’ means housing with **minimal supportive services** for homeless persons that is **limited to occupancy of six months or less** by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.” (Emphasis added.)

**There is only one definition for an Emergency Shelter in California’s Zoning Code** ([SB2](#), [CGCS 65582\(d\)](#)), which limits stays in emergency shelters to six months. The state has preempted the authority of all cities, including charter cities, to use an alternative definition. **The proposed amendments are unlawful under the statute.**

The current COLA definition for Emergency Shelter, i.e., Shelter for the Homeless ([LAMC 12.03](#)), complies with all state laws defining emergency shelters, including [CGCS 8698.4](#).

[LAMC 12.80](#) is the city’s implementation of CGCS 8698 et seq. and is consistent with SB2 and was approved under [CGCS 8698.4\(a\)\(2\)\(A\)\(i\)](#) when COLA adopted LAMC [91.8605](#). ***The Shelter Crisis Statute, (CGCS 8698.4), does not conflict with LAMC 12.80.***

The Planning Commission would be wise to resist political pressure to cover up LAHSA’s violation of the six-month limit by recommending unlawful code amendments. All emergency shelters are required under state law to limit stays to six months. Full stop.

Respectfully,

*Laura Lake*

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FIX THE CITY

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