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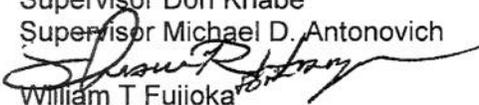
County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
<http://ceo.lacounty.gov>

WILLIAM T FUJIOKA
Chief Executive Officer

June 20, 2008

To: Supervisor Yvonne B. Burke, Chair
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: 
William T Fujioka
Chief Executive Officer

Board of Supervisors
GLORIA MOLINA
First District

YVONNE B. BURKE
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

MAPPING STUDY ON THE AVAILABLE RESIDENTIAL OPPORTUNITIES FOR SEX OFFENDERS STATUS REPORT, AGENDA ITEM 40-A

On April 22, 2008, your Board directed the Chief Executive Officer (CEO) to work with County Counsel, Regional Planning, and Public Works to conduct a mapping study of the impact on available residential opportunities for sex offenders.

With your direction, the CEO proceeded to work with said departments to prepare, develop, and analyze mapping documents prepared by Regional Planning and the CIO.

In the course of our meetings, the CEO and the departments involved discovered that the volume of demographic information would require more time in order to meet the criteria set forth in the Board letter. The CEO anticipates that a full report of the mapping study will be provided to your Board no later than July 22, 2008.

Please address questions or comments on this matter to Deputy CEO Doyle Campbell at (213) 893-2374.

WTF:SRH;RDC
JW:DC:yjf

c: Executive Officer, Board of Supervisors
County Counsel
Public Works
Regional Planning

Residential Opportunities.bm

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WILLIAM T FUJIOKA
Chief Executive Officer

September 8, 2008

Board of Supervisors
GLORIA MOLINA
First District

YVONNE B. BURKE
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

To: Supervisor Yvonne B. Burke, Chair
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

REPORT BACK – MAPPING STUDY ON AVAILABLE RESIDENTIAL OPPORTUNITIES FOR SEX OFFENDERS

On April 21, 2008, County Counsel submitted to your Board a report containing a review of various local ordinances regarding sex offenders as well as a draft ordinance for the Board's consideration. Consequently, on April 22, 2008, your Board directed the Chief Executive Office (CEO), in consultation with the Regional Planning Department, County Counsel, Chief Information Office, and the Department of Public Works to conduct a mapping study and provide a report back to address the following directive:

- The impact on the availability of residential opportunities for sex offenders utilizing the parameters set forth in the attached proposed County sex offender ordinance.

Summary of Findings

The mapping study revealed, under the State's current Jessica's Law (State law) alone, the remaining land available for sex offenders to hold residence in unincorporated Los Angeles County after 2,000-foot buffers surrounding parks and schools yielded approximately 134 square miles. Comparatively, the area available for sex offenders to hold residence with the application of the County ordinance is 120 square miles. The additional 2,000-foot buffer around libraries and childcare facilities required by the proposed County ordinance reduces the available residential area by approximately 10 percent or 14 square miles.

County Counsel's report, submitted to the Board on April 21, 2008, raised a concern that the proposed ordinance may be legally suspect if its implementation

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resulted in virtually no areas left in the unincorporated Los Angeles County for a sex offender to live in compliance with the ordinance. However, the mapping study showed significant areas will remain available for sex offenders even if the ordinance is adopted. Thus, in this regard, County Counsel's concern regarding the legality of the ordinance has been addressed by the mapping study.

Mapping Study Process Overview

The objective of the mapping study was to provide a comparative analysis of the impact of the existing State law and the proposed ordinance.

The mapping study required extensive staff collaboration in an effort to collect, organize, and filter data. The data collection centered on the spatial datasets (or layers) required for the study. Spatial datasets are information that can be related to a position on the earth's surface, often by an address, postcode, or geographic coordinate. It is used to define, for example, land and property ownership, demographic detail from census results, areas of native vegetation, or the location of gas, electricity, and water supply networks.

Some of these datasets are not readily available nor are they updated on a regular basis. However, once information was gathered, every effort was made to update the layers for accuracy prior to their use. The datasets used for this project focused on the following features: parcels, schools, parks, childcare facilities, libraries, unincorporated areas, and zoning.

Maps and figures showing derived results for the current State law were compared to those for the proposed County ordinance. State law mandates the delineation of 2,000-foot buffers surrounding parks and schools, and removes these areas from residential availability. The County's proposed ordinance expands these areas to include 2,000-foot buffers around libraries and childcare facilities.

The findings for both the State law and the proposed County ordinance exclude non-residentially zoned areas, vacant land (i.e., where no structures are known to exist), and parcels having exclusionary Assessor use codes.

Tasks Performed

The following steps were performed in order to achieve the results designated by the Board's request relative to the mapping study:

- 1) All necessary Geographic Information System (GIS) data layers and sources were identified, and data was gathered from countywide GIS databases (Regional Planning and CEO Urban Research's Enterprise

databases (Regional Planning and CEO Urban Research's Enterprise GIS Data Repository). Additional data was received from various sources to confirm and align relevant datasets.

- 2) Buffer areas of 2,000 feet were created around the relevant features in these layers and then merged together.
- 3) An "erase" command was used to remove these buffered areas as they fell into the category of Residential Exclusion Zone. Using the Regional Planning Department's zoning information, areas not zoned for residential use were then erased from the dataset.
- 4) Parcels identified with non-conforming Assessor use codes were erased. This final step was required to eliminate areas that lacked housing or other structures (i.e., residentially zoned land with nothing built on it). The resulting maps show areas of residential opportunity that remain for registered sex offenders.

In the attachment, information detailing various data layers used to produce the results is included to provide an understanding of the methodology of the mapping study (Attachment II).

Conclusion

The results of the mapping study have addressed County Counsel's concern of whether the proposed County ordinance would prohibit sex offenders from seeking residence in Los Angeles County. The results have concluded that the proposed County ordinance would not impede sex offenders from residing in the unincorporated areas of Los Angeles County.

Should you have any questions regarding the information contained in this report, please contact Deputy Chief Executive Officer R. Doyle Campbell, Public Safety, at (213) 893-2374.

WTF:SRH:RDC
DC:llm

Attachments

c: Executive Officer, Board of Supervisors
County Counsel
Chief Information Office
Department of Public Works
Regional Planning Department

DRAFT

ANALYSIS

This ordinance amends Title 13 – Public Peace, Morals and Welfare of the Los Angeles County Code to add Chapter 13.59 to impose residency and loitering restrictions on registered sex offenders in the unincorporated areas of the County of Los Angeles.

RAYMOND G. FORTNER, JR.
County Counsel

By
LAWRENCE L. HAFETZ
Principal Deputy County Counsel
Property Division

LH:sh

03/26/08 (requested)

03/26/08 (revised)

ORDINANCE NO. _____

An ordinance amending Title 13 – Public Peace, Morals and Welfare of the Los Angeles County Code, to add Chapter 13.59, to impose residency and loitering restrictions on registered sex offenders in the unincorporated areas of the County of Los Angeles ("County").

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Chapter 13.59 is hereby added to Title 13 – Public Peace, Morals and Welfare as follows:

Chapter 13.59

REGISTERED SEX OFFENDERS

Section 13.59.010 Legislative findings.

A. On November 7, 2006, the voters of the State of California overwhelmingly approved Proposition 83, the Sexual Predator Punishment and Control Act, commonly referred to as Jessica's Law, so as to better protect Californians, and in particular, to protect the children of California from sex offenders; and

B. Proposition 83, as codified in subsection (b) of California Penal Code Section 3003.5, prohibits any person who is required to register as a sex offender under Penal Code Section 290 (hereinafter referred to as a "registered sex offender") from residing within 2,000 feet of any public or private school, or any park where children regularly gather; and

C. Proposition 83, as codified in subsection (c) of Penal Code Section 3003.5, authorizes local governments to enact ordinances that further restrict the residency of any registered sex offender; and

D. Subsection (a) of Penal Code Section 3003.5, enacted in 1998 prior to Proposition 83, prohibits registered sex offenders who are on parole to reside in a "single-family dwelling" with another registered sex offender during the parole period, unless those persons are legally related by blood, marriage or adoption. For purposes of this state statute, "single-family dwelling" does not include a residential facility such as a group home that serves six or fewer persons; and

E. There are approximately _____ registered sex offenders in the unincorporated areas of the County, and approximately _____ of these registered sex offenders are on parole; and

F. The County is concerned with recent occurrences within the County and elsewhere in California where multiple registered sex offenders have been residing together in violation of Penal Code Section 3003.5; and

G. By enacting Chapter 13.59, the County intends to eliminate any potential conflict of land uses in residential neighborhoods and to reduce the potential dangers associated with multiple registered sex offenders living near families with children and places where children frequently gather. Chapter 13.59 also regulates the number of registered sex offenders permitted to reside in multiple family dwellings; and

H. In addition to public and private schools and local parks, the County further finds that other public places that children frequently gather, such as child care centers, should also be protected from registered sex offenders; and

I. In order to foster compliance with the intent of this ordinance, Chapter 13.59 also establishes regulations for property owners who rent residential facilities to registered sex offenders; and

J. Based on County data, once this ordinance becomes effective, there will be _____ remaining acres within the County's residential zones where registered sex offenders can still reside; and

K. This ordinance is required for the preservation of the public peace, health, and safety of the citizens of the County.

Section 13.59.020 Definitions.

For purposes of this Chapter, the following definitions shall apply:

A. "Child" or "children" shall mean any person(s) under the age of eighteen (18) years of age.

B. "Child care center" shall mean any licensed facility of the State of California, Department of Social Services, that provides non-medical care to children in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of children on less than a twenty four (24) hour basis, including, but not limited to, a family day care home, infant center, preschool, extended-day care facility, or school-age child care center.

C. "Child safety zone" shall include any area located within three hundred (300) feet from the nearest property line of a child care center, public or private school (grades K through 12), park, public library, commercial establishment that provides a child's playground either in or adjacent to the establishment, a location that holds classes or group activities for children, and/or any school bus stop.

D. "Hotel" shall mean a commercial establishment that rents guest rooms or suites to the public on a nightly, weekly or monthly basis, and shall include a motel and an inn that operates in such capacity.

E. "Loiter" shall mean to delay, linger, or idle about a Child Safety Zone with the intent to commit a sex offense for which registration is required under Penal Code Section 290.

F. "Multi-family dwelling" shall mean a residential structure designed for the permanent residency of two (2) or more families living independently. This definition shall include a duplex, apartment house, and a condominium complex, but shall not include a hotel.

G. "Owner's authorized agent" shall mean any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, company, corporation, business trust, manager, lessee, servant, officer or employee, authorized to act for the owner of real property.

H. "Park" shall include any areas publicly-owned, leased, controlled, maintained or managed which are open to the public primarily for the purpose of

providing recreational, cultural and/or community service activities for children, including, but not limited to, playgrounds, playfields, and athletic courts.

I. "Permanent resident" shall mean any person who, on a given date, has obtained a legal right to occupy or reside in, or has already, as of that date, occupied or resided in, a single-family or multi-family dwelling, or a hotel, for more than thirty (30) consecutive days.

J. "Property owner" shall include the owner of record of real property, as recorded in the office of the county registrar-recorder/county clerk, as well as any partial owner, joint owner, tenant, tenant-in-common, or joint tenant, of such real property.

K. "Registered sex offender" shall mean any person who is required to register under Section 290 of the California Penal Code, regardless of whether or not that person is on parole or probation.

L. "Residential exclusion zone" shall mean any area located within two thousand (2,000) feet from the nearest property line of the subject property to the nearest property line of a child care center, public or private school (grades K through 12), park, or public library.

M. "Responsible party" shall mean a property owner and/or an owner's authorized agent.

N. "Single-family dwelling" shall mean one permanent residential dwelling located on a single lot. For purposes of this Chapter, single-family dwelling shall not include any state-licensed residential facility which serves six or fewer persons.

O. "Temporary resident" shall mean any person who, on a given date, has obtained a legal right to occupy or reside in, or has already, as of that date, occupied or resided in, a single-family or multi-family dwelling, or a hotel, for a period of thirty (30) consecutive days or less.

Section 13.59.030 Registered sex offender prohibition/child safety zone. A registered sex offender shall be prohibited from loitering in a child safety zone.

Section 13.59.040 Registered sex offender prohibition/residential exclusion zone. A registered sex offender shall be prohibited from becoming a permanent or temporary resident in any residential exclusion zone.

Section 13.59.050 Registered sex offender prohibition/single-family and multi-family dwellings.

A. Same dwelling. A registered sex offender shall be prohibited from renting or otherwise occupying a single-family dwelling or a unit in a multi-family dwelling with another registered sex offender, regardless of the tenancy of either registered sex offender, unless those persons are legally related by blood, marriage or adoption.

B. Multiple dwellings. A registered sex offender shall be prohibited from renting or otherwise occupying a unit in a multi-family dwelling as a permanent resident if there is another unit in that multi-family dwelling that is already rented or otherwise occupied by a registered sex offender as a permanent resident, unless those persons are legally related by blood, marriage or adoption.

C. Temporary residency. A registered sex offender shall be prohibited from renting or otherwise occupying any single-family dwelling or any unit in a multi-family dwelling as a temporary resident.

Section 13.59.060. Registered sex offender prohibition/hotels.

A. Same hotel room. A registered sex offender shall be prohibited from renting or otherwise occupying the same guest room in a hotel with another registered sex offender, regardless of the tenancy of either registered sex offender, unless those persons are legally related by blood, marriage or adoption.

B. Separate hotel rooms. A registered sex offender shall be prohibited from renting or otherwise occupying a guest room in a hotel as a permanent resident if there is another guest room in that hotel that is already rented or otherwise occupied by a registered sex offender as a permanent resident, unless those persons are legally related by blood, marriage or adoption.

Section 13.59.070. Responsible party prohibition/single-family and multi-family dwellings.

A. Same dwelling. A responsible party shall be prohibited from knowingly allowing a single-family dwelling or a unit in a multi-family dwelling to be rented or otherwise occupied by more than one registered sex offender, regardless of the tenancy of either registered sex offender, unless those persons are legally related by blood, marriage or adoption.

B. Multiple dwellings. A responsible party shall be prohibited from knowingly allowing more than one unit in a multi-family dwelling to be rented or otherwise occupied by a registered sex offender as a permanent resident, unless those persons are legally related by blood, marriage or adoption.

C. Temporary residency. A responsible party shall be prohibited from knowingly allowing a single-family dwelling or any unit in a multi-family dwelling to be rented or otherwise occupied by a registered sex offender as a temporary resident.

Section 13.59.080. Responsible party prohibition/hotels.

A. Same hotel room. A responsible party shall be prohibited from knowingly allowing a guest room in a hotel to be rented or otherwise occupied by more than one registered sex offender, regardless of the tenancy of either registered sex offender, unless those persons are legally related by blood, marriage or adoption.

B. Separate hotel rooms. A responsible party shall be prohibited from knowingly allowing a guest room in a hotel to be rented or otherwise occupied by a registered sex offender as a permanent resident if there is already a registered sex offender renting or otherwise occupying another guest room in that hotel as a permanent resident, unless those persons are legally related by blood, marriage or adoption.

Section 13.59.090. Penalty/enforcement. Notwithstanding any other penalty provided by this Code or otherwise by law, any person who violates this Chapter 13.59 shall be guilty of a misdemeanor and the County may enforce the violation by means of a civil enforcement process through a restraining order, a preliminary or permanent injunction, or by any other means available by law.

Section 13.59.100. Effective date. The provisions of this Chapter 13.59 shall apply thirty (30) days after its final adoption by the board of supervisors.

Layers Used

Data was gathered and compiled from the best available and most accurate source for each data layer. However, data layers for schools and childcare centers change frequently, there may be some schools and childcare centers included or excluded in this analysis. Also, parcel boundaries could not be used for all layers and as such, some layers were buffered from "point" addresses and not specific parcel or "polygon" boundaries.

Parcels (area and use code) - This layer was used to distinguish residential uses. Vacant land and parcels with non-conforming use codes were removed from areas where sex offenders could possibly reside.

Source: Assessor's data

Schools (public and private) - Coded from parcel data and checked against other data sources such as Thomas Bros. maps and Los Angeles Region Imagery Acquisition Consortium (LAR-IAC) aerial imagery.

Source: Assessor's data and Thomas Bros. Map Company

Parks - Taken from parks data layers (selected by "type" for parks, amusement parks, beach, fairground, recreation area). No park dataset exists that is based on the parcel database in Los Angeles County. Also, park and open space layers from the Regional Planning Department's General Plan Update program (open space layer) were used and verified against LAR-IAC aerial imagery as well.

Source: Thomas Bros. Map Company and Regional Planning Department

Childcare Facility - Licensed childcare facilities. This is a point dataset. Parcels cannot be determined from this data. The buffer was taken from point data (no parcel or polygon data could be used with certainty).

Source: County of Los Angeles and CEO Urban Research Group (originally from the Department of Public Social Services).

Libraries - Cultural features point layer from Thomas Bros. maps and from the Los Angeles County Public Library's dataset (verified against LAR-IAC aerial imagery).

Source: Thomas Bros. Map Company and Los Angeles County Public Library

Unincorporated areas - Remaining land in Los Angeles County not included in one of the 88 incorporated cities (such as Glendale, Pomona, etc). This layer is parcel based and very accurate based on Assessor, Public Works and Regional Planning data sets.

Source: County of Los Angeles Regional Planning Department

Residentially zoned lands (in unincorporated areas) - Zoning for the unincorporated areas of Los Angeles County is managed by the Los Angeles County Regional Planning Department. Residentially zoned land falls in those areas where residential uses are permitted without a conditional use permit or where they are not strictly forbidden. Such zones include:

All agricultural zones (A-1, A-2, A-2-H)
All residential zones (R-1, R-2, R-3, R-4, R-A, RPD)
CPD: Community Planned Development
M-3: Unclassified
D-2: Desert Mountain
MXD: Mixed Use
SP: Specific Plan

Source: Los Angeles County Regional Planning Department

FIGURES

- Figure 1:** Map of unincorporated areas in Los Angeles County
- Figure 2:** Map of residentially zoned land in unincorporated Los Angeles County
- Figure 3a:** Map with 2,000 foot buffer from public or private schools
- Figure 3b:** Map with 2,000 foot buffer from parks
- Figure 3c:** Map with 2,000 foot buffer from public libraries
- Figure 3d:** Map with 2,000 foot buffer from a childcare center
- Figure 3e:** Map with 2,000 foot buffer from public or private schools and parks (State law buffers)
- Figure 3f:** Map with 2,000 foot buffer from public or private schools, parks, libraries, and childcare centers (County ordinance buffers)
- Figure 4a:** Map of State Residential Zoning Areas (Proposition 83) - Remaining Residential Opportunities for Sex Offenders - Areas not located within 2,000 feet of a park or a public or private school (grades K through 12) and areas eliminated due to incompatible Assessor use codes (no residential structures)
- Figure 4b:** Map of County Ordinance Residential Zoning Areas - Remaining Residential Opportunities for Sex Offenders - Areas not located within 2,000 feet of a childcare center, library, park, or public or private school (grades K through 12) and areas eliminated due to incompatible Assessor use codes (no residential structures)

Figure 5: Final Map of County Ordinance Residential Zoning Areas - Remaining Residential Opportunities for Sex Offenders – Areas not located within 2,000 feet of a childcare center, library, park, or public or private school (grades K through 12)

Figure 6: Final Map of County Ordinance Residential Zoning Areas with Subdivisions – Remaining Residential Opportunities for Sex Offenders - Areas not located within 2,000 feet of a childcare center, library, park, or public or private school (grades K through 12).