

EXECUTIVE SUMMARY

Board of Supervisors Hearing Date: November 27, 2007

Agenda Item Number: TBD

Subject of Hearing: Mixed Use Ordinance

Summary of Proposed Ordinance:

The proposed ordinance modifies commercial zones that currently allow multifamily residential uses with a conditional use permit (C-H, C-1, C-2, C-3, and C-M) in Title 22 of the Los Angeles County Code, to allow vertical mixed use (residential/commercial) developments and joint live and work units that adhere to specified use exceptions, development standards and performance standards through a director's review. The proposed ordinance adds a new Part 18 Mixed Use Developments and Part 19 Joint Live and Work Units to Chapter 22.52 to specify use exceptions, development standards and performance standards for mixed use developments and joint live and work units that are allowed through a director's review.

With some exceptions to uses and standards that address potential incompatibilities between residential and commercial uses, the provisions of the proposed ordinance conform to the underlying requirements of the applicable commercial zones. In addition, the proposed ordinance works in conjunction with superseding provisions, such as Community Standards Districts, in Title 22.

The staff will make the following recommendations to the Board on the November 27, 2007 hearing:

1. That the proposed ordinance not apply to commercially zoned areas that fall within the Airport Land Use influence areas, as regulated by the Los Angeles County Airport Land Use Commission.
2. Remove the uses, which are already subject to permit in the commercial zones, and are therefore redundant to identify them as use exceptions, from Section 22.52.1930 of the proposed ordinance.
3. Subject qualified mixed use developments and joint live and work units in C-M zones to a minor CUP, and remove tire retreading or recapping from Section 22.52.1930, as it is a use only listed in the C-M zone.
4. Add the industrial uses listed in Part B of Section 22.28.230 C-M Commercial Manufacturing Zone to Section 22.52.1930 Use Exceptions of the proposed ordinance;
5. Remove "metal plating" from the list of permitted uses for joint live work units in Part B of Section 22.52.2010 Use Exceptions.
6. Add language to the proposed ordinance to indicate that all applicable projects will be flagged by the Department of Public Works and referred over to the Department of Regional Planning for review to ensure that the use exceptions are properly regulated.

Background:

- On June 21, 2005, the Board of Supervisors (BOS) directed the Department of Regional Planning (DRP) to report back with recommendations on options for modifying the County's commercial zones for allowing residential and mixed-use projects in commercial zones through an administrative procedure, including provisions for maintaining the commercial uses along the County's major commercial corridors.
- On September 15, 2005, the DRP submitted a report to the BOS making the following recommendations:
 - Instruct the DRP to prepare a countywide ordinance to modify some or all of the commercial zones to permit vertical mixed use developments, through a director's review. In addition, the ordinance should include standards that will ensure the compatibility of uses and the creation of neighborhood-friendly mixed-use buildings.
 - Instruct the DRP to review areas covered by community plans and community standards districts, upon completion of the ordinance, in order to apply a community-based approach to allow residential-only development in commercial zones with a director's review, where appropriate.
- On September 27, 2006, the RPC directed the DRP staff to prepare the ordinance that considers the recommendations in the Board report, as well as opportunities for live-work and work-live units.
- On April 25, 2007, the RPC held a public hearing to consider the draft mixed use ordinance. The RPC closed the public hearing and asked the staff to report back with changes. On May 30, 2007, the RPC approved the revised draft ordinance and supporting environmental documents.
- A public hearing for the proposed mixed ordinance was originally scheduled to be held before the Board on August 28, 2007. However, the matter was first continued to September 25, 2007, and then again to November 27, 2007.
- Following the September 25, 2007 continuation, the staff worked with County Counsel and the Impact Analysis section at the Department of Regional Planning to revise the Initial Study and Negative Declaration, and re-circulated the revised CEQA documents for public review and comment for the period October 24, 2007 to November 26, 2007.

Current County Policies:

- Zoning
 - Residential and mixed use projects permitted in all C-zones with a CUP

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- TOD's: Blue Line, Green Line
- CSD's: East Los Angeles, Florence-Firestone, Walnut Park, West Athens-Westmont
- -CRS Combining Zone
- MXD Zone
- Land Use Policy
 - Community Plans: Antelope Valley Area General Plan, Walnut Park Community Plan, Malibu LCP, Altadena Community Plan, East Los Angeles Community Plan.
 - Countywide General Plan: Residential uses permitted in commercially designated areas in Land Use Element.

Issues:

- **Balanced Response:** The proposed ordinance offers a balanced response to the growing housing pressures in Los Angeles County by facilitating multifamily housing opportunities in appropriate areas, while ensuring public health, safety and welfare, and keeping unsustainable, sprawling growth patterns in check.
- **Housing Crisis:** The proposed ordinance is consistent with the County's continued efforts to address the countywide housing crisis, which affects housing prices and rents, businesses and the quality of life of residents in unincorporated areas.
- **Mixed Use Project Types:** The proposed ordinance encourages vertical mixed use developments and joint live and work units for the following reasons:
 1. Vertical mixed use developments help to maintain the commercial character of commercial zones at the street level, while creating housing opportunities;
 2. Where mixed use developments may not occur in certain market conditions, joint live and work units can provide mixed use opportunities.
- **Compatibility:** To ensure that residential and commercial uses in mixed use projects are compatible, the proposed ordinance introduces use exceptions for mixed use projects. Additionally, the proposed ordinance introduces development standards that specify maximum heights and maximum allowable densities, as well as performance standards, which specify, for example, the placement of trash/recycling and hours of operation.
- **Community Benefits:** Mixed use projects can offer many benefits to communities, such as providing much needed housing in areas that are appropriate to accommodate development, reducing traffic congestion by making amenities and neighborhood-serving commercial uses easily accessible to

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residential uses, revitalizing declining commercial areas by providing a critical mass of residents to keep commercial areas viable, and promoting the jobs-housing balance.

- **Consistency:** The proposed ordinance is designed to work in conjunction with community-level provisions in Title 22, including Community Standards Districts and Transit Oriented Districts. It is consistent with and supportive of the policies of the Los Angeles County Housing Element in that it encourages mixed use projects in commercial areas, promotes the efficient use of land, provides flexibility in land use, and streamlines the housing development process in Los Angeles County.
- **Efficiency:** The proposed ordinance streamlines the development review process for some modestly-scaled mixed use projects by replacing the conditional use permit requirement with a director's review.

Support/Opposition:

Prior to the April 25, 2007 public hearing, the Regional Planning Commission received fourteen letters from residents, one letter from a neighborhood organization (Rowland Heights Coordinating Council) and one letter from a public agency (City of Palmdale) in opposition to the proposed ordinance.

The Commission also received one letter from a public agency (California Public Utilities Commission) suggesting the addition of language to promote safety in the proposed ordinance.

Two residents testified with concerns regarding the ordinance at the Regional Planning Commission hearing on April 25, 2007.

Major points against:

The proposed ordinance is modest in its provisions to encourage mixed use projects in commercial zones.

Replacing the existing discretionary procedure (conditional use permit) with an administrative procedure (director's review) for certain mixed use projects in commercial zones removes the corresponding public hearing and CEQA review requirements.

To date, the Department of Regional Planning has received letters from Caltrans and the Mojave Air Quality Management District indicating that there are no comments on the revised CEQA documentation. In addition, the Mojave Air Quality Management District letter includes support for the proposed ordinance, indicating that it is expected to produce regional and cumulative benefits.