

STAFF ANALYSIS

PROJECT NUMBER

R2006-01193-(1)

CASE NUMBER

Conditional Use Permit No. 200600079-(1)

OVERVIEW OF PROPOSED PROJECT

The applicant, Moses Kim, is requesting a conditional use permit to allow the construction, operation, and maintenance of a duplex residence in the C-3 (Unlimited Commercial) Zone.

DESCRIPTION OF SUBJECT PROPERTY

Location

The subject property is located at 3838 City Terrace Drive, Los Angeles, in the City Terrace Zoned District.

Physical Features

The 2,274 square feet (0.05 acres) subject property is vacant. The subject property is rectangular in shape and it slopes north to south. Access to the site is via City Terrace Drive and Service Street to the east and west.

ENTITLEMENT REQUESTED

Pursuant to Section 22.56.040 of the Los Angeles County Code, the applicant is requesting a conditional use permit to allow the construction, operation, and maintenance of a duplex residence in the C-3 (Unlimited Commercial) Zone.

EXISTING ZONING

Subject Property

The subject property is zoned C-3 (Unlimited Commercial) in the East Los Angeles Community Standards District. Pursuant to Section 22.28.160.A of the Los Angeles County Code, premises in Zone C-3 may be used for residential use, provided a conditional use permit has first been obtained and conforms to the conditions of said permit.

Surrounding Properties

Surrounding properties are zoned as follows:

North: C-3 and I-10 Freeway

South: R-3 and R-1

East: C-3

West: C-3 and R-3

EXISTING LAND USES

Subject Property

The subject property is vacant.

Surrounding Properties

Land uses within 500 feet of the subject property consist of the following:

North: A church multi-family residences, and single-family residences

South: Single-family residences and multi-family residences

East: Vacant land, a single-family residence, commercial/multi-family residences, and multi-family residences

West: Single-family residences, commercial uses, and multi-family residences

PREVIOUS CASES/ZONING HISTORY

No prior cases have been filed on the subject property.

GENERAL PLAN

Land Use Policy Map

The subject property is designated CC (Community Commercial) in the East Los Angeles Community Plan (Plan). According to the Plan, properties in areas with the CC land use designation are suitable for mostly small businesses in centers or along strips. These businesses are oriented to serving the needs of surrounding neighborhoods and have little regional attraction. (Page 6)

Pertinent Policies

The applicant's proposal is affected by the following policies of the Plan.

Economic Development

Promote and encourage the improvement of the residential environment to attract all economic groups (Page 5).

The construction of the proposed project would remove the blight the existing vacant lot has on the neighborhood.

Land Use

Provide for new development which is compatible with and complements existing uses (Page 2).

Residential development of the subject property is consistent with the surrounding land use pattern to the east and south.

New development should be managed, in a way to discourage crowding and encouraging single family detached homes, twin homes, and town homes for households, and townhouses and apartments for senior citizens. (Page 3)

The proposed duplex would be consistent with the aforementioned policy.

Apartment buildings should be separated from single family areas and channeled into higher density areas near shopping and transportation.

The proposed project is located on a secondary highway, City Terrace Drive. The commercial zoning along City Terrace Drive is adjacent to single family homes. The topography of the site's sloping hillside provides a natural buffer between the land uses.

SITE PLAN DISCRIPTION

General Description

The applicant's site plan depicts a duplex residence with a total of 2,457 square feet of habitable area. Access to the site is via City Terrace Drive and Service Street to the east and west. The subject property has 2,274 square feet of area.

Consistency with Applicable Zoning Standards

A. Unless specifically modified by a conditional use permit during the discretionary review process, premises in the C-3 (Unlimited Commercial) Zone in the East Los Angeles Community Standards District are subject to the following development standards:

1. Landscaping

The County Code Section 22.28.220.A requires that not more than 90 percent of the net area be occupied by buildings, with a minimum of 10 percent of the net area landscaped with a lawn, shrubbery, flowers and/or trees, which shall be continuously maintained in good condition. Incidental walkways, if needed, may be developed in the landscaped area.

The proposed structures cover 1,032 square feet, about 45.3 percent of the lot area. Two hundred and twenty seven (227) square feet of landscaping is required for the 2,274 square foot property. Approximately 481 square feet of landscaping, 22 percent of the site, will be provided on the site. The applicant's site plan is consistent with these requirements.

2. Parking

Per Section 22.52.1180 of the County Code, requires every duplex unit to provide 1.5 covered and .5 uncovered parking spaces per dwelling unit.

The proposed duplex residence provides two covered and two uncovered parking spaces. The covered parking spaces are provided in a carport. For this project, the County Code requires three covered parking spaces and one uncovered parking space. The proposed project lacks one covered parking space, and therefore, it does not meet the County Code's requirements. The project could be redesigned to accommodate the requirement by providing an additional covered parking space.

3. Height

The County Code in Section 22.44.118.C.6.a (East Los Angeles Community Standards District) establishes 40 feet as the maximum height.

The proposed structure is 31 feet three inches tall. The applicant's site plan is consistent with the height requirement.

- B. The County Code does not specify development standards for a residential project in a commercial zone. As a comparison, the following analysis compares the proposed project to the East Los Angeles Community Standards District R-3 Zone's development standards.

1. Height

County Code Section 22.44.118.C.6.a (East Los Angeles Community Standards District) establishes 35 feet as the maximum height.

The proposed structure is 31 feet three inches tall. The applicant's site plan is consistent with the County Code.

2. Landscaping Requirements

Section 22.44.118.C.1.b of the County Code requires that 50 percent of the required front yard be landscaped.

Adjacent to Service Street, 68 percent of the required yard is landscaped. The front yard area along City Terrace Drive on the site plan does not indicate any landscaping in the first 15 feet. The project would not meet Zone R-3 standards for landscaping.

3. Infill Development

Per Section 22.52.1180 of the County Code, where there are vacant lots or legal nonconforming uses in the Zone R-3, infill development is encouraged. A density bonus of 15 percent may be approved for such lots.

The R-3 Zone allows a maximum density of 30 dwelling units per acre (one dwelling unit per 1,452 square feet). This would allow a maximum of one unit on this parcel. A density bonus of 15 percent would still only allow a maximum of one unit. The proposed project has two units. Therefore, the proposal has one unit more than the maximum that would be allowed in the R-3 Zone.

4. Required Yards

- a. Front Yard. Fifteen (15) feet is required (Section 22.20.320.A.1 of the County Code), except the required yard does not need to exceed 50 percent of the depth required in a zone when the difference in elevation between the curb level and the natural ground at a point 50 feet from the highway line is 10 feet or more (Section 22.48.080 of the County Code).

The subject property is a through lot with frontage on both City Terrace Drive and Service Street. The site plan shows one unit of the duplex accessing off of City Terrace Drive and the other off of Service Street.

The proposed project has a four foot front yard setback from City Terrace Drive. The subject parcel rises approximately 11 feet at a point 50 feet back from the front property line. Therefore, Section 22.48.080 of the County Code allows a modified front yard of 7.5 foot front yard is required. The proposed project does not meet the R-3 Zone standard for the front yard area fronting on City Terrace Drive. Service Street could also be considered the front yard area and a 15 foot setback would be required for an R-3 Zoned property. A 15 foot setback is provided, and the proposed project meets the R-3 Zone standard.

- b. Interior Side Yards. Five (5) feet is required (22.20.320 of the County Code), except where a parcel is less than 50 feet in width, then it may have interior side yards equal to 10 percent of the average width, but not less than three feet in width (Section 22.48.100 of the County Code).

The site plan shows three foot side yards. This plan does meet the R-3 Zone standard.

BURDEN OF PROOF **Conditional Use Permit**

As required by Section 22.56.090 of the Los Angeles County Code, in addition to the information required in the permit application, the applicant shall substantiate to the satisfaction of the Commission, the following facts:

- A. That the requested use at the location proposed will not:
 1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area; or
 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
 3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- B. That the proposed site is adequate in size and shape to accommodate the yards, wells, fence, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- C. That the proposed site is adequately served:
 1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
 2. By other public or private service facilities as are required.

Applicant's Burden of Proof Responses

The applicant's responses are attached. Staff is of the opinion that the applicant has sufficiently addressed the Burden of Proof issues in a fashion that substantiates the findings required by Section 22.56.090 of the County Code.

ENVIRONMENTAL DOCUMENTATION

The Department of Regional Planning has determined that this project is Categorically Exempt (Class 3, new construction or conversion of small structures) under the CEQA reporting requirements. Based on the initial review, it was determined that the project qualified under Class 3, which exempts the construction of a single-family residence. Based upon CEQA analysis, the project will have no significant impact on the environment.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

Los Angeles County Fire Department

The Los Angeles County Fire Department, Fire Prevention has reviewed the project; and they have the following recommended conditions in their, letter dated May 25, 2006:

- Install a fire hydrant
- Recommend that five foot side setbacks be provided
- Submit a fire flow availability form.

Department of Public Works

The Department of Public Works has reviewed the project; and they recommended in their letter, dated July 18, 2006, the following conditions of approval:

- Dedicate the right to restrict vehicular access on City Terrace Drive along the property frontage.
- Repair any displaced, broken, damaged pavement and gutter on City Terrace Drive along the property frontage to the satisfaction of Public Works.
- Plant street trees on City Terrace Drive along the property frontage to the satisfaction of Public Works.
- Repair any displaced, broken, damaged pavement and gutter on the alley abutting the property.

LEGAL NOTIFICATION/COMMUNITY OUTREACH

On February 26, 2007 public hearing notices were mailed out to 86 property owners within 500 feet of the subject property, including one local organization, and four private persons identified on the Department's courtesy mailing list for projects in the East LA Zoned District.

Advertisements were published on March 1, 2007 in the East L. A. Tribune and in La Opinion. Case-related material, including the hearing notice, factual and burden of proof were sent on February 28, 2007 to the East Los Angeles County Library in Los Angeles, CA 90022. According to the applicant, the hearing notice was posted on the property 30 days prior to the public hearing.

PUBLIC COMMENTS

Staff has received no comments from the public.

STAFF EVALUATION

The size and shape of subject property presents a challenge for either commercial or residential development. The property has only 25-feet of frontage and totals only 2,274 square feet in area. To develop the property with a commercial use would require parking. Creating a parking arrangement that meets the County Code requirements would be especially difficult due to the narrow width of the property. The lot is too small to accommodate most commercial uses.

Surrounding adjacent uses include a one story laundromat and a market to the west and a vacant lot and a single family residence to the east (further east are two story apartment buildings with some commercial uses on the first floor), a single story church to the north and two-story single family residences the south (one of which has been destroyed by fire). The immediate neighborhood appears to be in some economic distress. The commercial structures are well maintained, but the residential structures of the neighborhood require maintenance. A duplex or single family residence would be compatible with the surrounding land uses.

Although the property is not ideal for a duplex, there is sufficient space on the lot to accommodate a duplex. The Fire Department would like to place additional development constraints on this property. The Fire Department recommends that the side yard setback be five feet rather than the proposed three feet for better access to the property.

To accommodate this request, the applicant would have to redesign the project. The Fire Department's request for five foot side yards could be met only if the County's Code requirement for the number of covered parking spaces was waived or if the project was redesigned with covered tandem parking spaces. The County Code development standards allow three foot side yards on narrow lots. This standard was adopted because it is very difficult to develop residential project on a narrow lot with five foot side yards.

The building Code requires a three foot side yard for standard construction and allows no setback with a three hour firewall. The Zoning Code has no setback requirements for a commercial structure on the subject property. The subject property is adjacent to a parking lot to the west and a vacant lot to the east. While future development could change these conditions, the Fire Department currently has clear access to the west and east sides of the project.

The present vacant lot creates a blighted environment. Developing the property with a residence would improve the appearance of the general area and create more housing opportunities in the community. Staff is concerned with the density of the proposed project, and believes that the neighborhood would be better served if this project was developed with a single family residence. If the subject property was developed with a single family residence that was oriented to Service Street, the residence would face other single family dwellings. This alternative would also eliminate the potential for traffic turning or access conflicts on a busy street (City Terrace Drive).

STAFF RECOMMENDATION

Approval with Changes

Staff recommends that the project be modified to be a single-family residence. The attached findings and conditions have been crafted to reflect this change. Prior to making a decision on this case, Staff recommends the Regional Planning Commission consider the facts, analysis and correspondence contained in this report along with the oral testimony and/or written comments received during the public hearing.

If the Commission finds the applicant satisfies the conditional use permit burden of proof requirements for this request, then Staff recommends Approval of Conditional Use Permit No. 200600079-(1), subject to the attached draft conditions (which require redesign of the project subject to the Director's approval).

SUGGESTED MOTION

**"I MOVE THAT THE REGIONAL PLANNING COMMISSION APPROVE
CONDITIONAL USE PERMIT NO. 200600079-(1) AS AMENDED THROUGH THE
ASSOCIATED FINDINGS AND CONDITIONS."**

Prepared by James Bell, Regional Planning Assistant II
Reviewed by Mark Child, Supervising Regional Planner
Zoning Permits I Section

ATTACHMENTS:

Thomas Brothers Map
Draft Conditions of Approval
Applicant's Burden of Proof and Addendum Burden of Proof Statements
County of Los Angeles Fire Department, Fire Prevention letter dated May 25, 2006
County of Los Angeles Department of Public Works letter dated July 18, 2006
Site Plan
Land Use Map
Photos

MC:JB
04/04/07