

**FINDINGS AND ORDER OF THE DIRECTOR
COUNTY OF LOS ANGELES DEPARTMENT OF REGIONAL PLANNING
PROJECT NUMBER R2014-01598-(5)
DIRECTOR'S REVIEW CASE NUMBER RPP 201400584**

1. **ENTITLEMENTS REQUESTED.**

Pursuant to Los Angeles "County Code" Sections 22.28.200, 22.52.1900, 22.56.1660, and 22.16.225.C, approval of a Director's Review for a mixed use development of a 5 story residential and commercial building, with 16 apartment units and a 1,400 square foot ground floor commercial suite, located in the R-3 (Limited Multiple Residence) Zone.

2. **PROJECT DESCRIPTION.**

The applicant is proposing a new 5 story building, with 16 residential apartment units, and a 1,400 square foot ground floor commercial establishment on a 14,000 square foot lot. Parking will be at ground level and subterranean, with a total of 40 (34 std., 4 comp., 2 disabled) stalls, plus one loading zone for the commercial use. Landscaping provided will slightly exceed the 10 percent lot area requirement at 1,530 square feet. The development of the mixed use residential-commercial structure is proposed on an application for such use allowed by Director's Review in the previous C-3 (Unlimited Commercial) Zone. The application was grandfathered following the zone change on the property to R-3 with the Countywide General plan update in November 2015, and is permitted to be grandfathered under County Code Section 22.16.225.C. The development of the use is pursuant to the standards of the Director's Review of Part 18, Chapter 22.52, County Code Section 22.52.1900. The project structure height is proposed at 55 feet which is permitted for mixed use development. The fifth story is used for roof access.

LOCATION. The subject property is located at 5213 Tyler Avenue, in the unincorporated area of Temple City, and within the South Arcadia Zone District. The property's Assessor Parcel Number (APN) is 8574-014-032.

3. **SITE PLAN DESCRIPTION.** The site plan depicts the site boundaries, the proposed structure and existing structures to be removed, new parking stalls, new floor area of commercial and residential units, elevations, and conceptual grading showing 5,700 cubic yards of cut and 200 cubic yards of fill with export of 5,500 cubic yards.

4. **EXISTING ZONING.** The subject property is zoned R-3 (Limited Multiple Residence).

Surrounding Properties:

North: R-3

East: R-1-6,000 (Single-Family Residence – 6,000 sq.ft. min lot area reqd.)

South: R-3

West: A-1 (Light Agricultural)

5. **EXISTING LAND USES.** The site is currently developed with commercial structures that will be demolished.

Surrounding Properties:

North: Multi-family residence

East: Single-family residence

South: Multi-family residence
West: Single-family residence

6. **PREVIOUS CASES/ZONING HISTORY.** Certificate of Compliance (COC) No. 01-494 was recorded on the property on July 12, 2002, Instrument No. 02-1611808, for a lease project COC.
7. RBUS 200700300 was denied on May 30, 2007, for auto sales.
8. RBUS 200900173 put on hold in March 2009, for auto sales.
9. RZCR 200901050 approved on November 22, 2009, for auto broker, DMV referral.
10. Ordinance No. 4851 was adopted by the County Board of Supervisors in 1945, which established the C-3 Zone.
11. RPP 201400584 was submitted on June 4, 2014, for the proposed mixed use development.
12. Property rezoned to R-3 in November 2015 with Countywide General Plan update.
13. **GENERAL PLAN/COMMUNITY PLAN CONSISTENCY.** The property is located within the (H30 – Residential 30) land use category of the Countywide General Plan. Maximum residential density permitted for the property based on a size of 0.35 net acres is 10 units. Because the application is grandfathered and is permitted a density allowance of 50 units to the acre under the mixed use ordinance for the C-3 Zone, the maximum number of units permitted for the property at 0.39 gross acres is 19 units. The proposal for 16 units does not exceed the density allowed under the mixed use ordinance.
14. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** The subject property is zoned R-3 and is within the South Arcadia Zoned District.
15. The application for the mixed use development was submitted at the time the C-3 Zone was still in effect over the property. The proposed project meets the development standards for mixed use development under County Code Section 22.52.1900. Although the zoning on the property changed to R-3 with the Countywide General Plan Update in November 2015, the application has been grandfathered and allowed to proceed pursuant to County Code Section 22.16.225.C.
16. The height of the proposed structure at 55 feet is in compliance with the mixed use development ordinance. Because the application is grandfathered for mixed use development, the height limit will be allowed to exceed the 35 foot height limit permitted for the R-3 Zone.
17. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The site is located in the South Arcadia Zone District. The subject property is developed with several structures used for office and commercial purposes. The existing structures will be demolished to make way for the new development. Best management practices will be employed to

minimize the impacts of demolition, grading and construction upon the surrounding properties. Conditions on the project by Public Works will require that the project include necessary street improvements, street lighting and street trees along with traffic and right-of-way improvement measures. Although the proposed structure exceeds the height of all surrounding buildings, the impacts of shadow and light upon surrounding residences should be less than significant as addressed in the Initial Study/Negative Declaration (ND) for the project. The land use of apartment rentals is compatible with the new R-3 Zone, while the small commercial ground floor establishment proposed will be a neighborhood serving use.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.

18. **Public Works** – County Public Works received consultation on the Director's review and the Initial Study prepared for the project. Following revisions of the plans, the Initial Study for an ND was cleared by Public Works on December 1, 2015. Public Works cleared the plans for the Director's Review with conditions on June 28, 2016. Conditions for final grading and drainage plan review, right-of-way improvements and traffic measures have been required.
19. **Fire** – County Fire received consultation on the plans with the Initial Study prepared for the project. Following revisions of the plans, the Initial Study for an ND was cleared by Fire on March 2, 2016. Access and fire hydrant requirements have been set forth for the project. Additional requirements by Fire will be addressed during the building plan check stage.
20. **Public Health** – County Public Health received consultation on the Director's review and the Initial Study prepared for the project. Following revisions of the plans, the plans and Initial Study for an ND were cleared by Public Health on February 2, 2016. The project is to employ best management practices for noise control in accordance with Title 12 of the County Code.
21. **ZONING ENFORCEMENT.** As of July 7, 2016, there are no reported zoning violations on the property from the Department's Zoning Enforcement Staff.
22. **PUBLIC OUTREACH.** A Notice of Intent to Adopt the Negative Declaration for the project was posted at the site for a 30 day public comment period from March 23, 2016, to April 22, 2016.
23. **PUBLIC COMMENTS.** Staff received no public comments.

DIRECTOR'S REVIEW SPECIFIC FINDINGS

24. Although the mixed use development project application is grandfathered into the R-3 Zone, a use normally slated for the C-3 Zone, the impacts of the project will not be significant to the surrounding community and will provide additional housing and small business commercial services to the community. No complaints to the Department were received from the public. Staff has concluded that the proposed project meets the requirements of County Code Section 22.52.1900 for mixed use development, and is allowed to be grandfathered into the R-3 Zone under County Code Section 22.16.225.C for an application deemed complete prior to the zone change from C-3 to R-3 in

November 2015, and therefore qualifies for approval by the Director pursuant to County Code Section 22.56.1660, contingent upon the final approval and issuance of building permits by the Building and Safety Division of County Public Works.

ENVIRONMENTAL DETERMINATION

25. An Initial Study was prepared for the proposed project for which a Notice of Intent to Adopt an ND was prepared. The Initial Study with ND was submitted to State Clearinghouse for a 30 day review period, which concluded on April 22, 2016. Comments were received from Caltrans in a letter dated April 6, 2016, with regard to storm water runoff. The letter was forwarded to Public Works during final review of the project. No other comments were received.
26. **TERM LIMIT USE FOR APPROVAL.** The approval of the Director's Review is for two-years. A one year time extension may be requested per County Code Section 22.56.1740.
27. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Director's decision is based in this matter is the Los Angeles County Department of Regional Planning, Room 1360, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Staff of the Land Development Coordinating Center Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE DIRECTOR CONCLUDES:

WITH RESPECT TO THE DIRECTOR'S REVIEW:

- A. That the use, development of land and/or application of development standards is in compliance with all applicable provisions of Title 22;
- B. That the use, development of land and/or application of development standards, when considered on the basis of the suitability of the site for the particular use or development intended, is so arranged as to avoid traffic congestion, insure the protection of public health, safety and general welfare, prevent adverse effects on neighboring property and is in conformity with good zoning practice; and
- C. That the use, development of land and/or application of development standards is suitable from the standpoint of functional developmental design.

THEREFORE, the information submitted by the applicant substantiates the required findings for a Director's Review as set forth in Section 22.56.1690 of Title 22.

DIRECTOR'S ACTION:

1. The Director finds that the project qualifies for a Negative Declaration, and adopts the Negative Declaration under Environmental Assessment Case No. 201400126.
2. In view of the findings of fact presented above, Director's Review Case No. RPP 201400584 is **APPROVED**.

BY:



DATE:

7-7-2016

Rudy Silvas
Principal Regional Planning Assistant
Department of Regional Planning
County of Los Angeles

c: Building and Safety (San Gabriel Valley Office)

RS
7/7/2016