

## **STAFF REPORT**

### **PROJECT NUMBER**

00-34-(2)

### **CASE NUMBER**

Zone Change Case No. 00-34-(2)

### **OVERVIEW OF PROPOSED PROJECT**

The applicant is requesting a Zone Change from R-3-P (Limited Multiple Residence) to C-2-DP (Neighborhood Business – Development Program) on the rear of an existing 1.72 acre parcel. The applicant has not indicated why a zone change is being requested. The parcel is developed with a fast Food Restaurant in the front portion of the parcel which fronts on Western Avenue. The subject parcel is approximately 118' northeasterly of the intersection of Western Avenue and Imperial Highway in the West Athens Zoned District.

The subject parcel is bordered on the east by a twenty foot paved alley. The alley separates the commercial uses from the single family residential uses which are immediately east of the alley. A north/south strip of multiple family zoning (R-3-P) and land uses abut the alley to the west. The intent of this R-3-P zoning is to provide a transition between the single family residential uses on the east side of the alley and the commercial zoning and uses on the west side of the alley.

Staff received two letters in opposition to the request. Mr. Andrew Aaron, a resident in the area, reports there is an access easement that runs from the alley west through the subject parcel to Western Avenue. He maintains that this access easement is still in use and the residents would not like to see it eliminated. The other letter of opposition was from Mr. Henry Porter, President of the Southwest Community Association. Mr. Porter objects to the zone change request because the request does not specify a development proposal. He also maintains that the R-3-P zoning is a buffer for the residential uses to the east. According to Mr. Porter, eighty five (85) residents attending a Southwest Community Association meeting concur with this opposition.

### **DESCRIPTION OF THE SUBJECT PROPERTY**

#### **Location**

The subject property is located at 11224-11232 Western Avenue in the West Athens Zoned District.

#### **Physical Features**

The parcel is a rectangular shaped, 1.72 acre parcel with an elevated slope in the rear of the parcel.

Access to the parcel is via Western Avenue to the west.

**ENTITLEMENT REQUESTED**

The applicant is requesting a Zone Change to change the zone from R-3-P to C-2-DP on the rear portion of a 1.72 acre lot.

**EXISTING ZONING AND LAND USE**

**Subject Property**

Zoning on the subject property is R-3-P (Limited Multiple Residence-Parking) The property is vacant.

**Surrounding Property**

<u>Zoning</u>	<u>Land Use</u>
North: R-3-P (Limited Multiple Residence)	Multifamily development
South: R-3-P (Limited Multiple Residence)	Vacant
East: R-1 (Single Family Residence)	Single Family Residences
West: C-2 (Neighborhood Business)	Commercial/Fast Food Restaurant

**PREVIOUS ZONING CASES**

Regional Planning records indicate there are three previous zoning related cases on the subject property.

ZEC 8256: A request for a bank building at the northeasterly corner of Western Avenue and Imperial Highway to encroach into the (P) Parking zone. The request was approved in 1960.

PP 31829: A request for plot plan approval of the subject Carl's Jr. restaurant. The plot plan contains approximately 31 parking spaces and was approved November 19, 1997.

LLA 101825: A lot line adjustment was recorded on the subject property August 31, 2001.

**GENERAL PLAN**

The subject site is classified as Community Commercial within the General Plan and Medium Density Bonus within the West Athens/Westmont Community Plan's Proposed Land Use Map. The Medium Density designation permits up to thirty dwelling units per acre. A West Athens Community Plan Land Use Policy states, "Ensure a sensitive transition between commercial and industrial uses and residential uses by means of techniques such as buffering, landscaping and setbacks" The subject request would eliminate the existing R-3-P zoning buffer. This buffer protects the single family residences from commercial development. The subject zone change request would be inconsistent with this West Athens Community Plan Land Use Policy.

**SITE PLAN**

The site plan depicts the subject site approximately 118' northwesterly of the intersection of Imperial Highway and Western Avenue. The location of the proposed zone change is shown at the rear of (easterly portion) the Carl's Jr. lot. The lot contains a Carl's Jr. Restaurant, a play area and a paved parking lot. The site plan shows an existing service station and car wash on the northeasterly corner of Imperial Highway and Western Avenue. A 26' existing driveway is shown east of the service station. The driveway, on Imperial Highway, allows access to the subject property. An access driveway is also on Western Avenue.

**BURDEN OF PROOF**

Pursuant to Section 22.16.110 of the L.A. County Code (Zoning Code), the applicant must meet the burden of proof requirement for a zone change that;

- A. That modified conditions warrant a revision in the zoning plan as it pertains to the area or district under consideration; and
- B. That a need for the proposed zone classification exists within such area or district; and
- C. That the particular property under consideration is a proper location for said zone classification within such area or district; and
- D. That placement of the proposed zone at such location will be in the interest of public health, safety and general welfare, and in conformity with good zoning practice.

The applicant's burden of proof responses are attached.

**ENVIRONMENTAL DOCUMENTATION**

Regional Planning staff has determined that a Negative Declaration is the appropriate environmental document pursuant to the California Environmental Quality Act environmental reporting requirements.

**COUNTY DEPARTMENT COMMENTS**

No comments received.

**PUBLIC COMMENTS**

Staff received two letters in opposition to the request. Mr. Andrew Aaron, a resident in the area, reports there is an access easement that runs from the alley west through the subject parcel to Western Avenue. He maintains that this access easement is still in use and the resident would not like to see it leave. The other letter of opposition was from Mr. Henry Porter, President of the Southwest Community Association. Mr. Porter objects to the zone change request because the request does not specify a development proposal. He also maintains that the R-3-P zoning is a buffer for the

residential uses to the east. According to Mr. Porter, eighty five (85) residents attending an Association meeting concur with this opposition.

### **STAFF EVALUATION**

The applicant has not stated the purpose of the zone change request. Without this information, an evaluation of the consistency with the surrounding land uses cannot be made.

Pursuant to Section 22.40.030 of the Zoning Ordinance, (Development Program Zone) the purpose of the DP zone is to “provide a zone in which development occurring after property has been rezoned will conform to plans and exhibits submitted by the applicant in instances where such plans and exhibits constitute a critical factor in the decision to rezone. Adherence to such development plans is assured by the requirement of submission and approval of a conditional use permit incorporating a development program by the applicant providing necessary safeguards to insure completion as specified”. **The applicant does not have a development plan.**

Section 11.16.070 of the Zoning Ordinance, (Purpose and procedures for zone changes), states, “Zone changes and amendments may be initiated to change zones,...whenever the Board of Supervisors finds that the public convenience, the general welfare or good zoning practice justifies such action”. **The applicant has not demonstrated that the general welfare or public convenience would be furthered by the subject request.**

A rezoning of the subject parcel to a commercial zone would disrupt the R-3-P zoning pattern. The R-3-P north/south strip of zoning is intended to buffer the single family residences (on the east) from commercial uses to the west.

### **STAFF RECOMMENDATION**

Staff recommends **DENIAL** of the subject request.

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and /or documentary evidence presented at the public hearing.

If the Regional Planning Commission finds that the request satisfies the Zone Change burden of proof requirements, draft conditions will be prepared.

Attachments:

Copy of Thomas Brothers Map  
Burden of Proof  
Public Comment

Report prepared by Velma Ingram, Regional Planning Assistant II

Reviewed by Russ Fricano, Principal Planner

11-01-01

