Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

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TO: Supervisor Don Knabe, Chair
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Michael D. Antonovich

FROM: Jon Sanabria
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SUBJECT: **RESPONSE TO BOARD MOTION REGARDING THE PROGRESS OF IMPLEMENTING THE MIXED USE ORDINANCE (NOVEMBER 27, 2007, ITEM #11)**

On November 27, 2007, the Board of Supervisors adopted a motion requiring the Director of Planning to report back on the progress of implementing the Mixed Use Ordinance (Ordinance) within one year of the Ordinance's adoption. The Ordinance (No. 2008-0035) was adopted by your Board on July 1, 2008. This report provides the response to your motion.

Background

The Mixed Use Ordinance modifies certain commercial zones 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, and allows these developments through an administrative procedure. The intent of the Ordinance is to increase housing opportunities in urban infill areas and to reduce vehicle miles traveled by encouraging residential uses near services, employment and retail. In addition, the intent of the Ordinance is to develop a framework for more comprehensive and localized efforts to encourage mixed use developments in the unincorporated areas, where appropriate to do so.

To facilitate the implementation and enforcement of the Ordinance, the Housing Section staff organized a series of internal briefings and distributed copies of a briefing memo, Ordinance summary guidelines, and a sample covenant and agreement to the Current Planning and Land Use Regulation Divisions.

In addition, the Housing Section staff worked with the Land Development Coordinating Center and the Current Planning Division staff to provide members of the public and applicants with clarification on the provisions of the Ordinance. The most commonly asked question from members of the public concerns the applicability of the Ordinance when a project involves an existing nonconforming structure.

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Policy-level impacts

At the policy-level, the Mixed Use Ordinance provided the basis and justification for identifying sites in commercial zones for the Housing Element Adequate Sites Inventory, which demonstrates the County's ability to meet a portion of its regional housing need during the Housing Element planning period. In addition, the Ordinance has served as an underlying policy framework for the General Plan Update, as well as more localized efforts in Area and Community Plan Updates to encourage mixed use development.

Project-level impacts

Since the Mixed Use Ordinance took effect on July 1 2008, the Department has received three ministerial director's review and approval applications for mixed use developments:

CASE #1

Project description: To rebuild a portion of an existing, non-conforming three-story mixed residential/commercial building in the Neighborhood Business (C-2) Zone, built in 1928 and recently damaged by fire. There are two retail stores located on the ground level and three apartment units located on the two upper levels. The damage is located on the top floor, where two of the apartment units are located.

Location: East Los Angeles

Status: The project was approved for two residential units instead of three (two of the units were combined into one) to qualify for an exemption from the requirement to conduct a Non-Conforming Review with a public hearing. The proposed project is ineligible to utilize the provisions of the Mixed Use Ordinance for two reasons:

> Parking: There is no onsite parking. According to Section 22.52.1930 of the County Code, all mixed use developments proposed in accordance with the Mixed Use Ordinance must provide separate commercial and residential parking spaces in compliance with the parking regulations in the Zoning Code.
>
> Hillside Management Area: The proposed project is located on land with a slope of 25 percent or more. According to Section 22.52.1910 (B), no mixed use development approved in accordance with the Mixed Use Ordinance is allowed if any portion of the development is located on land with a slope of 25 percent or more.

CASE #2

Project description: To continue the use and operation of an existing, non-conforming two-story mixed residential/commercial building established in 1963. The subject property has two zoning designations – the mixed use building is located in the Unlimited Commercial (C-3) Zone, and the majority of the parking area is located in the Single-Family Residence (R-1) Zone. There are two retail stores located on the ground floor and three apartment units located on the second floor.

Location: Del Aire

Status: Non-Conforming Review. The proposed project is ineligible to utilize the provisions of the Mixed Use Ordinance for the following reason:

> Parking. According to Section 22.52.1930, all mixed use developments proposed in accordance with the Mixed Use Ordinance must provide separate commercial and residential parking spaces in compliance with the parking regulations in the Zoning Code. Based on the current parking requirements of one space per 250 square feet for the retail use and 1.5 spaces per unit for apartments, 38 parking spaces are required. However, the project site currently has only 30 spaces and many of the parking spaces, including the disabled parking spaces, do not meet the standard size requirements.

CASE #3

Project description: A new, three story, 60-unit affordable housing development with joint live and work units on the ground floor on property located in the C-3 Zone.

Location: East Los Angeles

Status: The proposed project is eligible to utilize the provisions of the Mixed Use Ordinance. The applicant has also filed a Housing Permit application to request a density bonus and a height increase above the maximum 35 feet height permitted under the East Los Angeles Community Plan and East Los Angeles Community Standards District.

Conclusion/Next Steps

The Mixed Use Ordinance has played a major role in informing policy documents, such as the Housing Element and the General Plan Update, and will continue to play a key role in various efforts, such as the Regional Climate Action Plan and the implementation of SB 375, to reduce greenhouse gas emissions through land use policies. However, in the past year, the Ordinance has not incentivized the actual development of mixed use projects, and in some cases, has precluded the ability of existing, nonconforming uses to convert to mixed use developments through a streamlined, administrative procedure. Furthermore, while it is too early to discuss the enforcement of the Ordinance, an assessment of the enforcement of joint live and work units—which may require greater efforts to ensure that the work activities are in compliance with the Ordinance—will eventually be needed.

The staff recommends minor revisions to the Mixed Use Ordinance to facilitate the conversion of legal nonconforming uses to qualifying mixed use developments. Public inquiries and the few mixed use cases filed over the past year have shown that there could be projects with existing structures in compliance with the use exceptions and performance standards in the Ordinance, but which are ineligible to utilize the provisions of the Ordinance due to parking, loading area, landscaping, setbacks, and other development standards. As this is a minor change, the staff suggests proposing these revisions through the Zoning Ordinance Update Program (ZOUP).

In addition, the staff will continue to provide the Board with updates on the implementation and enforcement of the Mixed Use Ordinance in the Housing Element Annual Progress Report throughout the duration of the Housing Element planning period.

Should you have any questions about this report, please contact Tina Fung in the Housing/General Plan Section at tfung@planning.lacounty.gov and (213) 974-6417.

JS:GMN:CC:TF

c: Chief Executive Office, Attn. Lari Sheehan
County Counsel
Executive Office
Public Works
Community Development Commission

Enclosures:

Statement of Proceedings, November 27, 2007, Item 11, Final Action
Statement of Proceedings, June 1, 2008, Item 64, Final Action