



Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

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Director of Planning

April 19, 2007

TO: Esther L. Valadez, Chair
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Wayne Rew, Commissioner
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FROM: Julie Moore, AICP, Head
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**SUBJECT: DRAFT MIXED USE ORDINANCE RADV T2006-00009
APRIL 25, 2007 PUBLIC HEARING—AGENDA ITEM # 6**

INTRODUCTION

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

There are three common prototypes for mixed use projects. Generally, “horizontal mixed use developments” refers to detached residential and commercial uses on the same site or attached horizontally, while “vertical mixed use developments” refers to ground floor commercial uses with residential uses above. “Joint live and work units” (or “live-work units” or “work-live units,” as they are also known), which can be within a horizontal or vertical mixed use development, are units that combine both residential and commercial uses. Mixed use projects are typically implemented by local jurisdictions through overlays, districts, planned developments or the modification of residential, commercial and/or industrial zones—often in combination with one another.

SUMMARY

The proposed ordinance (**Attachment 1**) applies specifically to vertical mixed use developments (ground floor commercial uses with residential uses above) and joint live and work units in commercial zones.

The proposed ordinance modifies the basic commercial zones that currently allow multifamily residential uses with a conditional use permit (C-H Commercial Highway, C-1 Restricted Commercial Business, C-2 Neighborhood Business, C-3 Unlimited Commercial and C-M Commercial Manufacturing) in Title 22 of the Los Angeles County Code, to allow mixed use projects 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 provisions of the proposed ordinance work in conjunction with superseding provisions, such as Community Standards Districts and Transit Oriented Districts, in Title 22.

BACKGROUND

On April 11, 2002, at the request of the Board of Supervisors, the Department of Regional Planning (DRP), Department of Public Works, Community Development Commission and the Fire Department made recommendations to the Board to address unnecessary regulatory barriers to residential development, including to modify the commercial zones to allow residential development through a director's review. In August 2003, the Los Angeles County Housing Advisory Committee report, *Interim Report: Initial Recommendations To Increase Housing Production in the Unincorporated Area*, echoed this recommendation as a strategy for streamlining the process for residential development.

On September 15, 2005, at the request of the Board, the DRP made the following recommendations on options for modifying the County's commercial zones for allowing residential and mixed use projects through an administrative procedure, including provisions for maintaining the commercial uses along the County's major commercial corridors:

- 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 through a director's review, where appropriate.

On September 27, 2006, the Regional Planning Commission directed the DRP staff to prepare the draft ordinance that considers recommendations in the Board report, as well as opportunities for joint live and work units.

During this period, the DRP staff has consulted with and/or received feedback from the Office of County Counsel, Department of Public Works, Community Development Commission, Treasurer-Tax Collector and Fire Department, and the County's Housing Advisory Committee regarding the conceptual and logistical issues related to mixed use projects.

PROPOSED ORDINANCE FRAMEWORK

The proposed ordinance modifies basic commercial zones that currently allow multifamily residential uses with a conditional use permit (C-H Commercial Highway, C-1 Restricted Commercial Business, C-2 Neighborhood Business, C-3 Unlimited Commercial and C-M Commercial Manufacturing), to allow mixed use projects that comply with specified use exceptions, development standards and performance standards, through a director's review. Mixed use projects that do not comply with the provisions of the ordinance will continue to be allowed with a conditional use permit.

The proposed ordinance is designed to work in conjunction with community-level provisions in Title 22. Special Districts, such as the Community Standards Districts (CSDs) and Transit Oriented Districts (TODs), the ()-CRS Commercial-Residential Zone (Part 12 of Chapter 22.40) and Specific Plans (Chapter 22.46) supersede the provisions of the proposed ordinance—in some cases, imposing more restrictive, and in some cases less-restrictive, standards and requirements.

In addition, to ensure that residential and commercial uses in mixed use projects are compatible, the proposed ordinance introduces two new sections— Part 18 (Mixed Use Developments) and Part 19 (Joint Live and Work Units)—in Chapter 22.52, which include use exceptions, development standards and performance standards. These new provisions are based on an analysis of uses currently allowed in the commercial zones (see **Attachment 2**) and existing standards and requirements for mixed use projects in Title 22, as well as a comparison of mixed use provisions in other local jurisdictions (see **Attachment 3**).

Part 18 (Mixed Use Developments) of Chapter 22.52

The proposed Part 18 of Chapter 22.52 applies to vertical mixed use developments, which consist of ground floor commercial uses with residential uses above.

Use exceptions: These sections include prohibited uses, such as adult entertainment/businesses, nightclubs, and other commercial uses that have been determined to be incompatible with residential uses in vertical mixed use developments; and uses subject to permit, such as recording studios, rental services, and other commercial uses that may, with discretion and under certain conditions, be found to be compatible or incompatible with residential uses in a vertical mixed use development.

Development standards: This section specifies maximum heights and maximum allowable densities for mixed use developments. For zones C-H, C-1 and C-2, the proposed maximum residential density is 17 dwelling units per net acre, which is comparable to the allowable density in an R-2 zone. The height limits in the proposed ordinance for zones C-H, C-1 and C-2 conform to the underlying 35 ft. height limit. For zones C-3 and C-M, the proposed maximum residential density is 50 dwelling units per net acre, which is comparable to the allowable density in an R-4 zone. The proposed maximum height in zones C-3 and C-M is 60 ft., which has been determined to be sufficient to accommodate mixed use developments with approximately 15 ft. of ground floor for commercial uses and

four stories of residential uses, at 50 dwelling units per net acre. The proposed 60 ft. maximum height for mixed use developments in zones C-3 and C-M is more restrictive than 13 times the buildable area, which is permitted in the underlying zones.

Performance standards: This section specifies that commercial and residential uses shall not be located on the same floor and shall devote the ground floor solely to commercial uses (with the exception of entrance hallways and joint live and work units), and shall limit the hours of operation for the commercial uses. In addition, this section includes provisions related to the placement of trash/recycling, loading/unloading and parking.

Part 19 (Joint Live and Work Units) of Chapter 22.52

The proposed Part 19 of Chapter 22.52 applies to joint live and work units, in which residential uses and commercial uses are permitted within one unit. It also requires a covenant in order to preserve the joint uses of the unit, and includes procedures for converting joint live and work units to sole residential or commercial uses through a conditional use permit.

Use exceptions: This section limits commercial uses in joint live and work units to those with a limited number of employees and that generate little or no onsite customer traffic, including offices for accountants, graphic design studios, and the production of crafts, such as jewelry, toys, pottery, etc. In addition, for C-M zones, this section permits light manufacturing uses, such as the manufacture of shells, stones, paper products, etc.

Development standards: This section requires a minimum size of 1000 sq. ft., and (in Section 22.52.1180) a minimum of two uncovered parking spaces per unit for joint live and work units.

Performance standards: This section requires the following performance standards for joint live and work units: at least one resident of the living space shall be responsible for the commercial activity performed in the working space; the living or working spaces shall not be rented, leased or sold separately; the maximum number of non-resident employees is two; working spaces shall be located on the ground floor; the minimum work area for working spaces is 250 sq. ft.; where a joint live and work unit fronts the street, the working space shall be oriented to the street; joint live and work units shall have at least one shared external entrance/exit for the working space and the living space; and there shall be direct access from the living space and working space.

DISCUSSION

The proposed ordinance offers a balanced response to the growing housing pressures in Los Angeles County and the need to remove unnecessary regulatory constraints to housing by facilitating multifamily housing opportunities in appropriate areas, while ensuring public health, safety and welfare, and keeping unsustainable, sprawling growth patterns in check. In the

recent General Plan Annual Progress Report to the State in March 2007, the County reported meeting only 49% of its mandated regional housing goals over an eight year period. 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 the unincorporated areas. In addition, with its focus on vertical mixed use developments, the proposed ordinance ensures that the commercial uses and character of the commercial zones are preserved.

While the diversity and complexity of the unincorporated areas necessitates the proposed countywide provisions to be modest, applying the proposed ordinance countywide ensures that the regional housing needs are addressed across the unincorporated area. The provisions are also intended to establish a foundation for other concerted efforts to encourage mixed use projects in areas located near accessible public transit or within major commercial corridors.

Finally, the proposed ordinance provides flexibility for mixed use projects in commercial zones to address the diverse housing needs and markets of the unincorporated areas. Joint live and work units, in particular, can offer more choices in the commercial zones for those who seek opportunities for home-based occupations. In addition, joint live and work units can provide a viable option where market conditions or financing options may not favor separating commercial and residential uses in a mixed use project.

CONSISTENCY WITH THE GENERAL PLAN, AND COMMUNITY AND AREA PLANS

Countywide General Plan

The proposed ordinance is in conformance with the purposes, intent, and provisions of the Countywide General Plan. Specifically, the proposed ordinance is consistent with the following goals and policies:

Promote the efficient use of land through a more concentrated pattern of urban development, including the focusing of new urban growth into areas of suitable land. (General Goals and Policies, Policy 22)

Promote jobs within commuting range of urban residential areas in order to reduce commuting time, save energy, reduce air pollution and improve public conveniences. (General Goals and Policies, Policy 65)

To situate commercial activities in viable clusters that conveniently serve their market areas. (Land Use Element, Convenient Commercial Uses, Goal)

Concentrate well designed high density housing in and adjacent to centers to provide convenient access to jobs and services without sacrificing livability of environmental quality. (Land Use Element, Quality and Compatible Design, Policy 12)

To foster compatible land use arrangements that contribute to reduced energy consumption and improved air quality. (Land Use Element, Energy Conservation and Improved Air Quality, Goal)

Promote land use arrangements that will maximize energy conservation. (Land Use Element, Energy Conservation and Improved Air Quality, Policy 22)

To encourage more efficient use of land, compatible with, and sensitive to, natural ecological, scenic, cultural and open-space resources. (Land Use Element, Efficient Use of Land, Goal)

Promote compatible land use arrangements that reduce reliance on the private automobile in order to minimize related social, economic and environmental costs. (Land Use Element, Efficient Use of Land, Policy 31)

Continue to revise and streamline the zoning ordinance emphasizing flexibility in the types of uses allowed in the commercial and industrial zones and encourage greater use of performance standards as a more effective approach to regulating land development. (Economic Development Element, Economic and Environmental Balance, Policy 27)

A wide range of housing types in sufficient quantity to meet the needs of current and future Residents.... (Housing Element, Goal 1)

Authorize mixed use development in commercial areas and utilization of incentives to encourage the construction of new mixed use projects. (Housing Element, Policy 1.5)

A housing supply that ranges broadly enough in price and rent to enable all households regardless of income, to secure adequate housing. (Housing Element, Goal 2)

Streamline administrative and land use procedures to reduce the time involved in approval of qualified housing projects. (Housing Element, Policy 6.3)

Community and Area Plans

The proposed ordinance is in conformance with the purposes, intent, and provisions of the Community and Area Plans. In particular, the proposed ordinance is consistent with the goals and policies to promote infill housing and preserve the single family and rural character of many of the areas covered by Community and Area Plans, to allow residential uses in commercial zones in conjunction with commercial uses, and to revitalize declining commercial areas. In addition, the proposed ordinance does not preclude additional restrictions on residential or mixed use projects required by Community and Area Plans.

ENVIRONMENTAL DOCUMENTATION

The staff prepared a Negative Declaration for the draft ordinance amendments in compliance with the California Environmental Quality Act (CEQA). The Initial Study concluded that there is no substantial evidence that the amendments will have a significant effect on the environment. The draft Initial Study and Negative Declaration are included as **Attachment 4**.

PUBLIC COMMENT

The notice of public hearing was sent to approximately 700 interested persons and organizations, and advertised in 11 newspapers throughout the County. The draft ordinance and draft environmental documentation were distributed to all County libraries and to several public agencies. As of the date of this report, we have received letters from the following individuals, organizations and agencies: Asoka Herath, Director of Planning, City of Palmdale; Kenneth L. Howe, a resident in unincorporated San Gabriel; Patti J. Ramsey, a resident of unincorporated San Gabriel; Steve Lamb, a resident and member of the Altadena Town Council in Altadena (e-mails, including one addressed to Supervisor Antonovich); CA Department of Transportation (Caltrans); and the Southern California Association of Governments (SCAG). Public comments are included as **Attachment 5**.

RECOMMENDATION

The staff recommends that the Regional Planning Commission consider approving the draft ordinance amendments, along with the following changes proposed by the staff since the draft was last distributed:

1. Complete minor editorial changes for clarity and consistency;
2. Include a requirement in Part 18 of 22.52 for a covenant for mixed use developments pursuant to the ordinance to ensure that future commercial uses adhere to the use exceptions specified in the proposed ordinance;
3. Add language indicating that mixed use projects located in any of the following areas are subject to a conditional use permit: Significant Ecological Area (SEA); Environmentally Sensitive Habitat Area (ESHA); Very High Fire Hazard Severity Zone; on land with a slope of 25% or more; and on land not served by a public water and sewer system;
4. Add language to clarify that the projects allowed pursuant to this proposed ordinance are subject to a ministerial review;
5. Make the following changes regarding use exceptions for mixed use developments:

Add the following to 22.52.1930 *Use exceptions—Prohibited*:

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| --Airport. | --Massage parlors. |
| --Amphitheaters. | --Medical marijuana dispensereries. |
| --Archery ranges. | --Microwave stations. |
| --Athletic fields. | --Mobilehome parks. |
| --Automobile sales, sale of new and used motor vehicles. | --Mobilehomes for use by a caretaker and his immediate family. |
| --Automobile sightseeing agencies. | --Mobilehome sales. |
| --Automobile supply stores. | --Oil wells. |
| --Boat and other marine sales. | --Pet stores, within an enclosed building only. |
| --Boat rentals. | --Public utility service yards. |
| --Circus. | --Recreational trailer parks. |
| --Dog kennels. | --Recreational vehicle rentals. |
| --Electric distribution substations. | --Recreational vehicle sales. |
| --Electric transmission substations and generating plants. | --Rifle, pistol, skeet or trap ranges. |
| --Fraternity and sorority. | --Self-service storage facilities. |
| --Golf course. | --Sewage treatment plants. |
| --Golf driving ranges. | --Temporary uses. |
| --Heliport. | --Tire retreading or recapping. |
| --Helistop. | --Trailer rentals, box and utility. |
| --Hotels. | --Trailer sales, box and utility. |
| --Landing strips. | --Travel trailer parks. |
| --Motels. | --Truck rentals. |
| --Motorcycle, motorscooter and trail bike rentals. | --Water reservoirs, dams, treatment plants, gaging stations, pumping stations, tanks, wells and any use normal and appurtenant to the storage and distribution of water. |
| --Motorcycle, motorscooter and trail bike sales. | --Youth hostels. |

Add the following to 22.52.1940 Use exceptions—Subject to permit:

- Dry cleaning establishments, excluding wholesale dry cleaning plants, provided that the building is so constructed and the equipment is so installed and maintained and the activity is so conducted that all noise, vibration, dust, odor and all other objectionable factors will be confined or reduced to the extent that no annoyance or injury will result to persons or property in the vicinity.*
- Bakery goods distributors.*
- Beauty shops.*

Delete the following from 22.52.1940 Use exceptions—Subject to permit:

- Automobile sales, sale of new and used motor vehicles,*
- Boat and other marine sales,*
- Mobilehome sales, and*
- Truck rentals from uses subject to permit to prohibited uses.*

Recommended Motion:

I move that the Regional Planning Commission indicate its intent to APPROVE the draft mixed use ordinance, including any changes discussed at today's meeting, and INSTRUCT the staff to prepare a revised ordinance, along with the appropriate resolution for our consideration and approval at a future meeting.

Should you have any questions, please contact me or Connie Chung at (213) 974-6425 or at jmoore@planning.lacounty.gov and cchung@planning.lacounty.gov.

Attachments:

1. Draft Mixed Use Ordinance 3.22.07
2. Review of Uses in Commercial Zones Title 22
3. Local Jurisdiction Comparison of Mixed Use Provisions
4. Draft Initial Study and Negative Declaration 3.22.07
5. Public Comments

RDH:JTM:cc