



Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

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TO: Stephanie Pincetl, Chair
Doug Smith, Vice Chair
David W. Louie, Commissioner
Curt Pedersen, Commissioner
Pat Modugno, Commissioner

FROM: Gina M. Natoli, MURP, AICP 
Supervising Regional Planner

AMENDMENT TO THE ROWLAND HEIGHTS COMMUNITY STANDARDS DISTRICT – PROJECT NO. RPPL2016000614 – MARCH 23, 2016 PUBLIC HEARING – AGENDA ITEM #7

BACKGROUND

A living suite is a portion of a residence that includes a living room, kitchen, bathroom, and one or more bedrooms. A living suite includes an interior connection, typically a door, to the remainder of the residence and may also have a separate exterior entrance.

The Board of Supervisors approved the Living Suites Ordinance (Ordinance) on September 29, 2015. The Ordinance allows the development of living suites throughout the unincorporated areas of Los Angeles County in new planned communities in the Residential Planned Development (RPD) Zone. Establishment of living suites within a new planned community requires approval of a conditional use permit (CUP).

Residents of Rowland Heights raised concerns at the 2015 Board hearing that living suites may not be appropriate for their community as they could potentially be inconsistent with the character of their community.

Based on information gathered through community outreach and statistical research, living suites are not consistent with the Rowland Heights Community General Plan (Community Plan) or community character, and therefore should be removed as a housing option in Rowland Heights.

COMMUNITY OUTREACH

Staff met or spoke with approximately 140 people representing many community groups and stakeholders to gather input about living suites in Rowland Heights, including the Rowland Heights Community Coordinating Council and individuals attending a Coordinating Council monthly meeting,

San Gabriel Valley Regional Chamber of Commerce Government Affairs Committee, Tri Counties Association of Realtors, and Rowland Heights Chinese Association.

The public hearing notice for this ordinance contained contact information in Chinese and Spanish as well as English. Staff was available to answer questions in all three languages; nearly twenty calls were received from Chinese speakers.

PROPOSED ORDINANCE

The proposed ordinance, which is attached, would prohibit living suites within the Rowland Heights Community Standards District (CSD). This would require adding a provision to subsection C of Section 22.44.132 of the Zoning Code to prohibit the use community-wide, in any zone.

GENERAL PLAN CONSISTENCY

The proposed ordinance is consistent with the adopted Community Plan, a component of the adopted Los Angeles County General Plan. Specifically, the proposed ordinance supports the following Community Plan goal and policies:

- Goal 2 – Maintain the single-family character of the community.
- Land Use Policy 4 – Restrict multiple family or attached housing to the U3, U4, and U5 categories.
- Housing Policy 3 – Require that new housing be consistent with the maintenance of community character.

In addition, the proposed ordinance supports the following County General Plan policies:

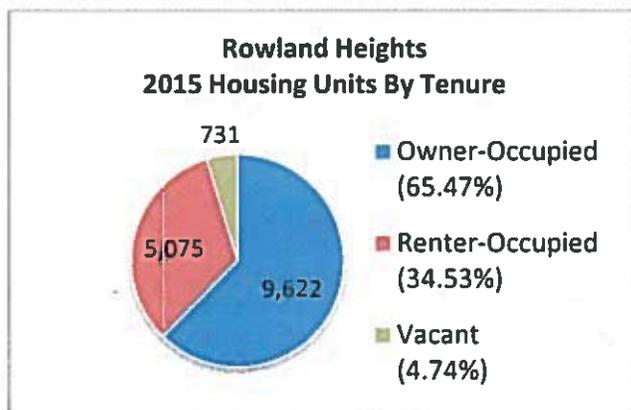
- Safety Element Policy S 3.1 – Discourage high density and intensity development in VHFHSZs [Very High Fire Hazard Severity Zones].
- Public Services and Facilities Policy PS/F 1.5 – Focus infrastructure investment, maintenance and expansion efforts where the General Plan encourages development.
- Economic Development Policy ED 2.1 – Protect industrial lands, especially within Employment Protection Districts, from conversion to non-industrial uses.

STAFF ANALYSIS

Approximately two-thirds of Rowland Heights housing units are owner-occupied (see chart on following page¹). While a living suite is not intended to be rented to another household, the Living Suites Ordinance does not prohibit such rental. It would be difficult to ensure living suites do not become rental units, and therefore the proposed ordinance helps to maintain the owner-occupied, single-family character of the community by eliminating what is in effect a type of multi-unit residential development.

¹ Esri Community Analyst, Housing Profile, December 3, 2015, <https://communityanalyst.arcgis.com>.

An RPD Zone could be established in any area of Rowland Heights, so the prohibition of living suites also acts to further restrict multiple-family housing to parcels designated with high-density residential



land use categories. The parcels with high-density residential land use categories are appropriately located adjoining or near Colima Road, a County highway, and the Pomona Freeway, and close to services such as public transportation and local-serving commercial establishments.

Residential uses are allowed by right on approximately 6,600 acres in the Rowland Heights CSD (see table below).

Rowland Heights CSD By-Right Residential Zoning Type Allowed and Acreage

| Zone Name | Acreage | Single-Family | Multi-Family |
|----------------------|----------|-----------------|---------------|
| Zone A-1 | 4,053.06 | x | |
| Zone A-2 | 568.06 | x | |
| Zone R-1 | 851.45 | x | |
| Zone R-2 | 4.26 | x | x |
| Zone R-3-()U | 153.75 | x | x |
| Zone R-4-()U | 23.56 | x | x |
| Zone R-A | 226.79 | x | |
| Zone RPD | 536.07 | x | |
| TOTAL ACREAGE | | 6,417.01 | 181.58 |

Just over 6,400 acres of that total – over 97 percent – are designated with by-right single-family residential zoning. The proposed ordinance therefore helps ensure that new housing will be consistent with the maintenance of community character.

Nearly all of the area in Rowland Heights south of Pathfinder Road is designated a VHFHSZ and is primarily undeveloped. Prohibiting living suites in Rowland Heights would prevent one type of higher-density development in the southern part of the community, and would protect industrial lands in the northern part of the community by removing one incentive for redeveloping industrial uses with residential development.

ENVIRONMENTAL ANALYSIS

Adoption of the proposed ordinance is exempt from environmental review pursuant to section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines because there is no possibility that adoption of the ordinance may have a significant effect on the environment. Adoption of the proposed ordinance will not result in any direct physical change in the environment and will not result in any indirect physical change in the environment that is reasonably foreseeable at this time.

This determination is supported by the following analysis:

- The ordinance does not propose or authorize any development. The proposed project is an ordinance, not a development project. The ordinance does not authorize any additional "by right" uses. The proposed ordinance will prohibit development of living suites within the Rowland Heights CSD. Therefore, the ordinance will not result in any direct physical change in the environment.
- The number, location, specific characteristics and environmental impacts of any requests for development that may occur in lieu of a residential planned development containing living suites are reasonably unforeseeable at this time. There may be indirect physical changes to the environment in conjunction with the subsequent development of properties that would no longer be eligible for development of a residential planned development containing living suites. The proposed ordinance will not change the requirement for such future development to undergo an initial review for environmental impacts, and to prepare environmental documents if determined necessary by that review. At this time, the number, location, specific characteristics and environmental impacts of development requests are reasonably unforeseeable due to the following factors:
 - Existing RPD Zones are developed pursuant to previously approved CUPs for residential planned developments or are undeveloped with pending or previous approved CUPs for residential planned developments, and therefore these properties have already undergone environmental review;
 - Future development would have to seek approval for RPD zoning and could be proposed on a parcel which is currently designated with any number of various zones, and therefore it is not possible to determine where an RPD Zone might be proposed; and
 - The RPD Zone allows a wide range of residential uses which could be developed without a living suites component, and therefore it is not possible to determine the scope of a future project to evaluate.
- The number, location, and specific characteristics of future development requests will largely depend on economic market factors. The environmental impacts of future development requests on parcels that would no longer be eligible for development of a residential planned development containing living suites will depend on the characteristics of the location that is the subject of such requests. For example, environmental impacts for an "infill" residential planned development in an urbanized area will be different than environmental impacts for a "greenfield" residential planned development in an undeveloped area, and we do not know if a residential project would be proposed at all. Therefore, any attempt to analyze indirect physical changes would be speculative.

- A new planned community is subject to project-level CEQA review regardless of whether dwelling units in the new planned community include living suites. There may be indirect physical changes to the environment in conjunction with the subsequent development of residential planned developments in the RPD Zone. Section 22.20.460 of the Zoning Code requires a CUP for residential planned developments and the proposed ordinance to ban living suites in Rowland Heights will not change this requirement. A CUP is a discretionary action that requires project-level CEQA review. The proposed ordinance does not eliminate the need for project-level CEQA review.
- The proposed ordinance does not involve any commitment to any specific project that may have a significant effect on the environment. Future development requests will require CEQA review to determine potential impacts. The proposed ordinance does not preclude the County from denying a future development request that may have a significant effect on the environment.

PUBLIC NOTIFICATION AND COMMENTS

Public hearing notices were sent to 12,133 owners of property in Rowland Heights and to individuals and organizations in Rowland Heights who previously asked to be placed on the Department's courtesy mailing list. A copy of the public hearing notice and proposed ordinance were also sent to seven public libraries and parks in and adjacent to Rowland Heights, and to the Rowland Heights field office of the Fourth Supervisorial District. A legal advertisement was published in The San Gabriel Valley Tribune and La Opinión, newspapers of general circulation in the project area, on February 23, 2016. Project documents and general information were also posted to the Department's web site at <http://planning.lacounty.gov/rhcsd>.

Approximately 55 individuals responded to the Notice of Public Hearing, calling or sending e-mails to ask questions about the Ordinance and to provide comments. As of the date of this report, staff has received four written comments and seven telephone calls supporting the Ordinance, and six telephone calls opposing the Ordinance. Copies of the written comments received are included in your packet.

Concerns raised by opponents to the use include: homes occupied by multiple residents create serious parking problems; property owners who profit from renting out their homes are not paying their fair share of taxes; property owners will be encouraged to rent out their homes, changing the character of the community; living suites are not consistent with Chinese culture; and, enforcement will not be possible as it is too difficult to prove that people living in the house are related.

Comments in support of the use include: the option to have living suites could be an additional tool in addressing society's changing needs for housing and in the types of housing available; it is a housing type in demand and should be available; the ordinance approved by the Board of Supervisors in 2015 contains adequate protections for the community; and, having the ability to legally build a living suite may reduce the number of illegally subdivided residences.

STAFF RECOMMENDATION

Staff recommends that your Commission close the public hearing, find that the project is exempt from environmental review pursuant to section 15061(b)(3) of the CEQA Guidelines, adopt the resolution recommending adoption of the proposed ordinance by the Board of Supervisors, and forward the proposed ordinance to the Board of Supervisors for consideration in a public hearing.

RECOMMENDED MOTION

I move that the Regional Planning Commission close the public hearing, find that the Project is exempt from environmental review pursuant to section 15061(b)(3) of the CEQA Guidelines, adopt the resolution recommending adoption of the proposed ordinance by the Board of Supervisors, and forward the proposed ordinance to the Board of Supervisors for consideration in a public hearing.

Please feel free to contact me at gnatoli@planning.lacounty.gov or 213-974-3426, Monday through Thursday, if you have any questions.

MC:JJ:GMN:gmn

Attachments:

1. Proposed Ordinance
2. Resolution for Commission Adoption
3. Correspondence Received