

MINUTES OF THE SPECIAL MEETING
OF THE LA PALMA CITY COUNCIL

September 30, 2014

CALL TO ORDER: Mayor Shanahan called the Special Meeting of the La Palma City Council to order at 7:00 p.m. in the Council Chambers of La Palma City Hall, 7822 Walker Street, La Palma, California, with Council Member Charoen being absent.

PLEDGE OF ALLEGIANCE: Mayor Shanahan

ROLL CALL: Council Members

Council Members present: Council Member Goedhart, Council Member Hwangbo, Mayor Pro Tem Kim, and Mayor Shanahan

Council Members absent: Council Member Charoen

City Officials present: Ellen Volmert, City Manager
Michelle Molko, Assistant City Attorney
Douglas Dumhart, Community Development Director
Laurie Murray, Administrative Services Director/City Clerk
Scott Hutter, Associate Planner

ORAL COMMUNICATIONS

Larry Herman, 5122 Andrew Drive, addressed the City Council to announce Assemblywoman Sharon Quirk-Silva's recognition event for the passing of AB1453 Veteran's Cemetery Bill at the Walter Ehlers Community Center in Buena Park on October 1, 2014.

REGULAR ITEM:

1. **Zoning Code Update - Workshop**

Community Development Director Dumhart gave a general overview of the background and processes for Zoning Code Update. He introduced the Staff Report and added that he would open the discussion after each section is presented.

Community Development Director Dumhart gave a report on the legislative overhaul of Massage Therapy with the passing of AB1147 and noted that changes go into effect on January 1, 2015; he added that he was unsure if the new regulations would be incorporated with the City's Zoning Code update by the time it is presented for adoption by the City Council.

Discussion ensued regarding AB1147 giving some zoning regulatory authority back to the City over massage practitioners; that this bill changes the make-up and authority of the California Massage Therapy Council; and that the League of California Cities was a big supporter and advocate of the bill.

Assistant City Attorney Molko clarified that the passing of AB1147 does not return all authority, but a significant amount of zoning and permitting authority, and that she will work with Staff to incorporate these changes as the legislative process continues.

Mr. Dumhart continued his presentation of the Zoning Code Update regarding the Mixed-used Business zone.

Discussion ensued regarding the residential Floor to Area Ratio (FAR) for the Mixed-Use zone north of Orangethorpe Avenue; explanation of how the residential FAR is inclusive of the total allowed square feet of properties in this zone; the total number of additional residential units allowed if the ADP property stayed as is; that the maximum height limit is 20 stories in the Mixed-Use zone; consideration of including a minimum unit size in the Zoning Code Update to accommodate the recent movement of 'tiny homes' that is not currently addressed; and that the Zoning Code clearly states a maximum number of dwelling units that cannot be exceeded.

Mr. Dumhart continued his presentation of the Zoning Code Update regarding Residential Community Benefits and Architectural Design Standards.

Discussion ensued regarding differentiating maximums and minimum for office space and residential; that the Community Benefits are at the City Council's discretion; explanation of the details of the variety of Community Benefits allowed; the review and approval process; Council Member Goedhart's support for establishing a defined minimum residential unit size standard; details of parking accommodations for large projects to include parking garages; that a circulation element would need to be prepared for traffic management of the increased dwelling units allowed; the requirement and variety of open space improvements; verification of the maximum lot coverage allowed; examples of the variety of architectural design standards for a high density project; and Council Member Goedhart's opposition to the Zoning Code and General Plan Update's incorporation of high density.

Mr. Dumhart continued his presentation of the Zoning Code Update regarding Industrial Overlay updates.

Discussion ensued regarding the current type of industrial uses and established companies in the General Industrial zone; that Staff has been approached by waste hauling/recycling companies to use the area; that Staff suggested the Mixed-Use business to be incorporated into the General Plan so as to not allow the waste recycling use; how a developer could accommodate the "Art in a Public Place" requirement; possibility of adding an "Art-in-lieu" fee; and City Council direction for Staff to be flexible with that requirement.

Mr. Dumhart continued his presentation of the Zoning Code Update regarding Storage Sheds.

Discussion ensued regarding most storage sheds purchased from a home improvement store being under the 120 square foot permit requirement; that any shed over that qualifies as an accessory structure requiring a permit; that Staff found 50 out of 150 homes surveyed had sheds that were visible from the public right-of-way; the reasoning for shed setbacks; that exempt sheds would be allowed to be put in the setback areas, but required to be under 8 feet in order to match the allowed wall height; that setbacks were placed in 1972 so they would not be visible from the street; that the City allowed block wall height extensions in order to block the view of larger sheds that were exempt from the permit process; that the current zoning code does not limit the amount of accessory structures; and that is because the typical California home does not have attics or basements, the use of storage sheds is highly common.

Mr. Dumhart continued his presentation of the Zoning Code Update regarding Artificial Turf.

Discussion ensued regarding support for removing the landscape plan requirement; Council Member Goedhart's opposition to requiring a homeowner to get approval from the City prior to installation, and trusting the homeowner to make the appropriate decision for an artificial turf choice; support for Staff's recommendation; that the public has been very receptive to the process in knowing that Staff is looking out for their best interest and giving the resident guidance; that the City has limited permit requirements for outside the residence to include block walls, outside lighting, and side wall fence height increases; that Cerritos does not allow artificial turf at all; that code enforcement should be the tool to regulate artificial turf instead of requiring a permit process; and that the proposed code language is the product of what the City Council directed in August - to keep the permit process, remove the fee, and simplify the process by removing the landscape requirements.

Larry Herman, 5122 Andrew Drive, addressed the City Council regarding the importance of and support for the appearance of the turf; support for artificial turf rather than a lawn that is not maintained at all; support for a simpler process; and that artificial turf is an excellent way to address water conservation during the current drought conditions.

Associate Planner Hutter noted that, currently, artificial turf is only allowed in single family residential areas and still prohibited in non-residential zones; and that the City Council could choose to change that during this process.

Mr. Dumhart continued his presentation of the Zoning Code Update regarding Second-Unit residences.

Discussion ensued regarding clarification that the second unit is not a duplex, but a second unit residence called a "granny flat" as allowed by State law; that Staff has included criteria that requires one unit to be owner occupied in order to alleviate any concerns of having the property turned into rental income by renting out both units; that State law is to provide for an additional family member unit on one's property; and that Staff has not processed an application for this type of dwelling unit in the past eight years.

Mr. Dumhart continued his presentation of the Zoning Code Update regarding Non-conforming structures.

Mr. Dumhart continued his presentation of the Zoning Code Update regarding Parking lot and outdoor lighting standards.

Discussion ensued regarding the new lighting standard requirements for property owners; that this update will not address older existing properties, but update lighting to those properties whose application comes through the Planning Department; and that these new lighting standards will be used for the upcoming McDonald's renovation.

Mr. Dumhart continued his presentation of the Zoning Code Update regarding Minor exceptions to development standards.

Discussion ensued regarding the methodology behind the ten percent deviation; that Staff could track how many exceptions were made during a year and produce an annual report; examples of how this would be used in the City's development projects; and whether there are any legal concerns with the proposal.

Assistant City Attorney Molko responded that this is typical standard provision language in numerous city codes.

Chris Barnes, 4971 Berton Circle, addressed the City council regarding her support for allowing a 10% deviation exception in order to help homeowners streamline their projects; support for art in public places; and that art would enhance the community.

Council Member Goedhart noted his concern that the 10% deviation not include an increase in density and that the City Council be mindful that this matter be addressed.

Assistant City Attorney Molko responded that there are only certain types of projects that would qualify for a variance, and that the City Council could clearly state that the types do not include density allowances.

Mr. Dumhart concluded his presentation and reported on the process and schedule for approval and adoption of the Zoning Code update.

Mayor Shanahan requested a short recess at 8:54 p.m.

Mayor Shanahan reconvened the Special Meeting at 8:58 p.m. with Council Member Charoen being absent.

Discussion ensued regarding clarification of the height limitations for sheds that are exempt being eight feet; that front yard wall heights increase to 54 inches on side walls in order to accommodate residential requests and to meet a standard for what is existing in the field; that there is no permit required to install a pond; that this Zoning Code update was very well presented; that Staff did a great job making the code fair and flexible; that Council Member Goedhart cannot vote in favor of the Zoning Code because of the increased density allowed north of Orangethorpe; whether there is any substantial matter that requires committees input; that minimum residential standards, artificial turf beyond residential uses, art in public places, variances, pond set-backs, and some others matters that may require additional committee or City Council input; the art-in-lieu fee methodology being based on a small cost of the total development costs; and the outcome of not adopting the Zoning Code.

Assistant City Attorney Molko responded that the Zoning Code needs to be brought into compliance with the General Plan; that a finding for development projects to be consistent with the General Plan and Zoning Code cannot be made if the Zoning Code does not match the General Plan; and reminded the City Council that Staff recommended some legal updates and language clean-up in this Zoning Code update, but also included recommendations to bring the Zoning Code in compliance with the recently adopted General Plan.

ADJOURNMENT

Mayor Shanahan thanked Staff for all their efforts and adjourned the Special Meeting of the La Palma City Council at 9:10 p.m.

Steve Shanahan
Mayor

Attest:

Laurie A. Murray, CMC
City Clerk