

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA CITY COUNCIL

December 18, 2001

Mayor Walker called the regular meeting of the La Palma City Council to order at 7:00 p.m. on Tuesday, December 18, 2001, in the Council Chambers of La Palma City Hall, 7822 Walker Street, La Palma, California.

PLEDGE OF ALLEGIANCE

Councilmember Duke led the Pledge of Allegiance to the United States Flag.

INVOCATION

Bishop Larry Boberg of the Church of Jesus Christ of Latter Day Saints gave the Invocation.

ROLL CALL:

Councilmembers present: Lauree Aragona, Christine Barnes, Alta E. Duke, Paul F. Walker

Councilmembers absent: Kenneth A. Blake

City Officials present: Catherine Standiford, Executive Director
Jeff Kirkpatrick, Police Captain
Ismile Noorbaksh, Director of Public Works/City Engineer
Tami K. Piscotty, Assistant to the City Manager
Robbeyn Bird, Director of Finance
Dominic Lazzaretto, Acting Principal Planner
Jan Hobson, Director of Recreation & Community Services
Joel Kuperberg, City Attorney
Peggie Turnage, Executive Assistant

PRESENTATIONS

Michelle Ureche of the United Way presented a plaque to Mayor Walker recognizing the City of La Palma for their 2001 Contributions.

ORAL COMMUNICATIONS

Mr. Brian O'Neal, 5042 Cartagena Circle, La Palma, addressed the Council to present his report on the December 14th meeting of the Anaheim Union High School Facilities Task Force Committee. He stated that Walker Junior High is one of seven schools on the current project list and reported that contractor bids have been let and they have been approved by the School District Board. He explained that this is the end of the District funds from Sacramento and in order for the District to continue to bring schools throughout the district up to current modern

standard, a bond initiative has been placed on the March 5th ballot, designated as Measure Z. With the passage of Measure Z, Kennedy would receive approximately 17 million dollars for modernization and new structures, including a new auditorium. Walker would receive about six and a half million dollars for its upgrades.

As a representative of the School Bond Initiative, Measure Z, Mr. O'Neal encouraged all the Councilmembers to actively endorse this initiative.

RECESS

Mayor Walker recessed the City Council to convene as the Community Development Commission at 7:10 p.m. (See separate Community Development Commission Minutes.)

RECONVENING

Mayor Walker reconvened the meeting in regular session at 7:12 p.m.

CONSENT CALENDAR

Councilmember Aragona made a motion to approve the following items on the Consent Calendar:

APPROVED THE DECEMBER 4, 2001 CITY COUNCIL MEETING MINUTES

ADOPTED RESOLUTION NO. 2001-68 APPROVING A REGISTER OF DEMANDS FOR DECEMBER 18, 2001

RECEIVED AND FILED THE REPORT ON THE MAYOR'S RECOMMENDED APPOINTMENTS TO THE EXTERNAL AND INTERNAL CITY COMMITTEES

RECEIVED AND FILED THE COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) OF THE CITY OF LA PALMA FOR FISCAL YEAR ENDED JUNE 30, 2001

ADOPTED RESOLUTION NO. 2001-69 CONCERNING PARTICIPATION/CONTINUATION IN THE ORANGE COUNTY SERVICE AUTHORITY FOR ABANDONED VEHICLES

ADOPTED RESOLUTION NO. 2001-70 FIXING THE EMPLOYER'S CONTRIBUTION UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT ONLY WITH RESPECT TO MEMBERS OF A SPECIFIC EMPLOYEE ASSOCIATION

ADOPTED RESOLUTION NO. 2001-71 AMENDING RESOLUTION NO. 2001-40 PERTAINING TO AUTHORIZATION FOR THE DEPOSIT, INVESTMENT AND PAYMENT OF PUBLIC FUNDS

ADOPTED RESOLUTION NO. 2001-72 SETTING FORTH THE CITY'S REASONS FOR NOT ADOPTING A VETERAN'S PREFERENCE SYSTEM IN SATISFACTION OF CALIFORNIA GOVERNMENT CODE SECTION 50088

RECEIVED AND FILED THE ANNUAL REPORT OF FINANCIAL TRANSACTIONS OF COMMUNITY REDEVELOPMENT AGENCIES FOR THE LA PALMA COMMUNITY DEVELOPMENT COMMISSION, AND AUTHORIZED FOR SUBMISSION TO THE STATE OF CALIFORNIA

The motion was seconded by Councilmember Duke and carried on the following roll call vote:

AYES: Aragona, Barnes, Duke, Walker
NOES: None
ABSENT: Blake

PUBLIC HEARING

PRECISE PLAN NO. 249 AND CONDITIONAL USE PERMIT NO. 315

City Manager Catherine Standiford stated that the item before the Council this evening is an appeal of a Planning Commission decision of November 6, 2001 approving Precise Plan 249 and Conditional Use Permit 315 for the Sunrise Assisted Living Facility to be located at 5321 and 5341 La Palma Avenue. She called on City Attorney Joel Kuperberg to give any procedural or process oriented instructions.

Mayor Walker opened the Public Hearing and called upon City Attorney Joel Kuperberg.

Mr. Kuperberg explained that this item is an appeal from a decision that the Council made, wearing a different hat as planning commissioners, and under the City Code there is a provision for appeal from the Planning Commission to the City Council and that appeal has been filed. The process is very much similar to voting on a conditional use permit or precise plan, it's a public hearing, the person who filed the appeal would present evidence first and then any other members of the public can present evidence and the developer can also present its evidence. One of the differences is that the City Council is acting in an appellant capacity and that's why the staff report and materials are more extensive than usual. Included with the packet tonight is the staff report that went to the Planning Commission, the minutes of that Planning Commission hearing as well as correspondence and other documents that were introduced or referenced during the Planning Commission Hearing. All of that information is in evidence at this point. So in that sense there is not a need to repeat all of that evidence, its already in front of the Council and to the extent that members of the public don't mention things that were in the written record that is

in front of the Council, they don't need to and the Council should be aware of that as they deliberate on the issue.

Acting Principal Planner Dominic Lazzaretto stated that the proposed project, known as the Sunrise Assisted Living Facility, is located at 5321 and 5341 La Palma Avenue and sits on 1.73 acres. The proposed facility is 44,063 square feet and will be a 59 unit senior assisted living facility. It is in the public institutional zone and the proposed landscaping coverage is 35%. Mr. Lazaretto stated that the City received an appeal letter on November 26th citing the following four reasons for requesting the appeal:

- Parking for the proposed facility was not properly addressed to satisfy compliance to the Code
- There would be an adverse increase in noise pollution to neighboring residences as a result of the project
- There would be adverse effects on real estate values of homes built alongside the proposed Sunrise development
- The building height of the proposed facility would not be in compliance to current zoning standards

Mr. Lazzaretto addressed the parking issue stating that 32 spaces would be provided with the Sunrise development. A parking analysis was done by a professional consultant who identified that 25 parking stalls would be required for the project and to provide additional parking, the hospital has agreed to enter into a reciprocal parking agreement and that is stipulated in Condition of Approval No. 4 as part of the Precise Plan that was adopted. The parking survey that was done as part of the Precise Plan study showed that at any given time during the peak hours of operation at the hospital there are currently at least 100 spaces available for use by both Sunrise and the hospital.

Mr. Lazzaretto addressed the noise issue stating that, again, a professional consultant conducted an assessment of the issue, this is part of the mitigated negative declaration process, and it was found that there was less than significant noise impacts associated with the proposed project. He added that the mitigated declaration identified two mitigation measures that would be adopted and incorporated into the development and operation of the facility. In addition to those measures, the applicant removed the wall mounted air conditioning units that were originally suggested.

Speaking to the question of real estate values, there really is no evidence available that would demonstrate that the nearby properties would be negatively affected by the project. The proposed project meets or exceeds all the requirements of the zone on which the land sits and the site will serve as a buffer between the residential areas to the west and the north and the hospital

to the east. Therefore, it's not expected that the use would negatively impact the area's residential real estate values.

Speaking to the building height issue, the main structure is 28 feet with the chimneys at 30 feet and the copulas, which are an architectural feature, at 32 feet. The Municipal Code specifically identifies that building heights are calculated from the highest point of the main structure of the building and are exclusive of chimneys and ventilators and other exceptions to building height, which can extend 15 feet above the maximum structure height.

Mr. Lazzaretto stated that therefore, for these reasons as well as those presented in the attached supporting materials with the staff report, it is recommended that the City Council affirm the Planning Commission's adoption of Precise Plan 249 and Conditional Use Permit 315.

Mr. Brian Kato, 7922 Collins Lane, La Palma, addressed the Council to state that the residents of La Palma in the greater area surrounding the proposed facility basically oppose and wish to appeal the decision for many different reasons and one of the reasons is the amount of paramedic emergency calls that would increase as a result of this facility next to their homes. He added that his wife had called the appropriate agencies to ask the number of calls to the Tustin, Mission Viejo and Hermosa Beach Sunrise facilities for the months of September, October and November, and the average was 27 visits per month. He asked what the City was going to do to protect their quality of life.

Ms. Standiford asked Mr. Lazzaretto if the noise study that was done for purposes of this project took into account siren calls.

Mr. Lazzaretto responded that the noise study would generally take into account all impacts that would be expected from the project, including the daily use of the facility.

Councilmember Aragona pointed out that the City does not own the property and the developer is willing to plant very lush landscaping to also mitigate noise issues.

Councilmember Duke asked Mr. Kato if his information included the time of day or night that the 27 monthly visits were made.

Mr. Kato responded he did not have that information readily available. Mr. Kato also stated that at the last meeting Bill Coil, who is a professional realtor, testified based on his personal experience that property values will decrease.

Ms. Michelle Varney, 5252 Van Dyke Circle, La Palma, addressed the Council to state she shares Mr. Kato's views. She stated she had presented an opinion obtained from John Price, a highly respected fire captain in Los Angeles County but did not feel that any credibility was given to his

letter. She stressed her concern of the noise impacts resulting from emergency calls to the facility. She also stated that while the zoning change was lawful, she felt it was totally unethical.

Mr. Dean Marinos, 7952 Collins Lane, La Palma, addressed the Council to express his frustration with the approval of this project. He added that he understands that the property is valuable and that somebody has to develop it, but there has to be other projects that would be more appropriate uses. He added that he feels there would be a definite parking problem and asked the Council to pay attention to that.

Mr. Ken Tipton, 5612 La Palma Avenue, La Palma, addressed the Council to state that he was surprised that the Council made the zone change. He added that he did not feel that former Councilmembers ever planned to bring a project into the center of the City that was not homes. He suggested that approval of this project would create a great deal of ill will in the community.

Mr. Bob MacNamara, 13258 Ocean Vista Road, San Diego, addressed the Council to respond to questions.

Mayor Walker asked the size of the Tustin facility. Mr. MacNamara responded that it is 48 units, which are immediately adjacent to residential on two sides with closer setbacks than the proposed La Palma project. He added they have received no complaints about traffic, noise, or emergency calls.

Councilmember Aragona asked Mr. MacNamara if he felt the setback and landscaping would negate some of the noise concerns of the residents. Mr. MacNamara responded he feels their facility would serve to act as a buffer for noise from the hospital. Mr. MacNamara added that because they have around the clock caregivers, they are not like an independent living senior facility where if someone slips and falls the only thing the staff can do is call 911. Their facility has people trained to take care of someone who, for instance, falls and sprains their ankle; it has to be a serious problem for them to call 911.

Mayor Pro Tem Barnes asked if the emergency vehicles could enter the facility from Walker Street, rather than La Palma Avenue.

Mayor Walker reported that they could not go through the parking lot.

Mr. MacNamara stated that they have polled real estate brokers at dozens of their facilities and, without exception, the brokers they talked to could not demonstrate and did not have any evidence that values had gone down in a neighborhood because of their facilities. He also stated that assisted living did not exist when many of the zoning ordinances were being developed and the current trend around the country is to build these facilities on busy streets in transition zones between commercial and residential and next to hospitals is ideal.

Councilmember Aragona stated that this has not been a quick process, she has put a lot of thought into this project and she has based her decisions on what she feels is in the best interest of the community.

Councilmember Duke referred to the parking concern and stated that information provided to the Council from a hospital log, on three separate occasions, and at three separate times of day, indicated that there were 100 plus available spaces. She added that in looking very hard at this issue and all of the issues surrounding it, and in listening to what the residents have had to say, she feels that this is the best area for this particular project.

Councilmember Barnes stated that the Council tries to make ethical decisions, based on reports provided to them from the public as well as staff and outside consultants. This has been a long process and the Council has done a lot of studying and their decisions have not been made based on financial gain, but on the use of the property and the common good. She added that she personally visited the Tustin facility and visited with the patients as well as a neighbor who indicated that the facility was the best neighbor he had ever had.

Mayor Walker stated he had gone over his calendar for the past year and found that the majority of the calls were usually between 6:30 a.m. and 9:00 a.m. He added that he hears sirens at his home and commented that anywhere you live in La Palma you are going to hear sirens from emergency vehicles. He also stated that Ms. Varney had presented information provided from fire personnel in Los Angeles County and commented that the demographics in Orange County are different and the quality of life differs and feels this is comparing apples to oranges.

Councilmember Duke made a motion to close the public hearing. The motion was seconded by Mayor Pro Tem Barnes and carried on the following roll call vote:

AYES: Aragona, Barnes, Duke, Walker
NOES: None
ABSENT: Blake

Councilmember Aragona made a motion to receive and file the Original Appeal Letter submitted by Mr. Brian Kato. The motion was seconded by Councilmember Duke and carried on the following roll call vote:

AYES: Aragona, Barnes, Duke, Walker
NOES: None
ABSENT: Blake

Mayor Pro Tem Barnes made a motion to adopt Resolution No. 2001-73, Affirming the Approval of Precise Plan No. 246 and Conditional Use Permit No. 315 for Sunrise Assisted Living Facility at 5321 and 5341 La Palma Avenue. The motion was seconded by Councilmember Duke and carried on the following roll call vote:

AYES: Aragona, Barnes, Duke, Walker
NOES: None
ABSENT: Blake

COUNCILMEMBER REPORTS FROM CITY-AFFILIATED COMMITTEES/COUNCIL REMARKS

Councilmember Aragona announced that the Public Works Department received an award from the National Association of Public Works for their Citywide Open House on Public Works Day. She reported that she attended a breakfast hosted by Supervisor Silva and reported that some of the issues discussed were transportation, housing, and water run-off. She also reported on the Asian Business Association Mixer that she attended and added this was very helpful in getting out information on the City's utility users tax. Councilmember Aragona also reported on the most recent League of California Cities County Emergency Care Committee meeting at which statewide disaster drills were discussed. She also reported that there is a 60-day pilot project starting on guidelines for hospitals requesting diversion of patients so that there is not more than a two hour wait for care to evaluate the impact of the proposed changes. Rules and regulations for ambulance providers as well as paramedics were also discussed. She concluded by announcing that the Holiday Home Decorating Contest judging has been completed and the winners will be presented at a future Council meeting.

Councilmember Duke stated she attended the Housing Summit at which the main theme was financial assistance needed from the State and all of their mandates. She added that there is a grass roots initiative to protect local government revenues that is being formulated and it is her understanding that initiative is being joined with firefighters.

City Manager Catherine Standiford explained that the League of California Cities, in conjunction with CSAC, had originally proposed a ballot initiative for the March 2002 ballot known as the Local Revenue Accountability Act, designed to protect local revenues. Subsequent to preparing this initial ballot measure, the League was asked to consider supporting a similar initiative being proposed, that is farther along in the process, and appears to have a better chance at passage. The alternative ballot measure would primarily protect public safety revenues, and would increase state sales tax by ¼%. The League's General Assembly will be considering at the State meeting this week whether to shift support toward that alternative ballot measure.

Councilmember Duke stated she attended the SCAG meeting and reported they are still struggling with coming into the 21st Century as far as their operations are concerned. She also reported that she attended the Living Christmas Tree Pageant at the La Palma Christian Center and stated it was wonderful.

Mayor Pro Tem Barnes commended Mr. Noorbaksh and his staff on the award that they received. She also thanked the Employee Committee for putting together such a nice employee luncheon. She stated she enjoyed attending the Asian Business Association Mixer with Councilmember Aragona. She stated she also attended the Americana Kick-off Award and it was nice to be there with La Palma's recipients, Joan and Richard Lutz. She announced that the Americana Banquet would be held on February 23rd. She also mentioned the community-wide food drive sponsored by service groups in the City.

Mayor Walker stated he attended the Ground Water Replenishment System committee meeting and reported they are going forward with the facilities next year. They also had a presentation on self-insurance for workers compensation, which would save approximately 18 million dollars. He reported that groundbreaking would probably be sometime in February or March.

CITY MANAGER REMARKS

City Manager Catherine Standiford stated that the refunding of the 1991 redevelopment tax allocation bonds successfully closed and reported that the locked in savings and interest to the Community Development Commission over the remaining twenty years of the bonds is approximately \$797,000.00, or close to \$39,000.00 per year.

Ms. Standiford stated that the next regularly scheduled City Council meeting would fall on New Year's Day and explained that according to the Municipal Code the normal policy would be to hold the Council Meeting on the day immediately following a Federal Holiday, which would be January 2nd. She reported that currently the only items for the Agenda are the warrant register and the minutes, which could wait until the 15th. She added that there was some discussion about the Lions Club wanting to do their Holiday Home Decorating Award presentation on January 2nd; however, the President has told her they would prefer to hold the presentation on January 15th. She asked the Council to decide whether they wish to hold the January 2nd meeting or cancel it.

Councilmember Aragona stated she has a problem canceling Council Meetings, she feels the Council is there to do business and she feels the meeting should be held.

Mayor Walker stated that since there is so little for the Agenda, and since two of the Council members will be absent, he did not see a reason to hold the meeting and made a motion to adjourn to January 15, 2002. Mayor Pro Tem Barnes seconded the motion.

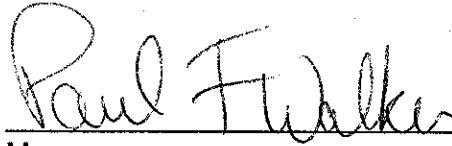
Councilmember Duke stated that when she originally thought the Lions wanted to present their awards on January 2nd, she was in favor of holding the meeting. However, since they do not, she does not see a reason to meet on January 2nd. She suggested that the Lions Club be approached to consider making their awards presentation at the second meeting of December next year.

The motion carried on the following roll call vote:

AYES: Barnes, Duke, Walker
NOES: Aragona
ABSENT: Blake

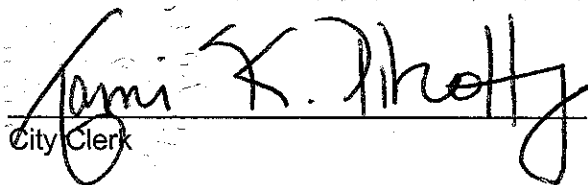
ADJOURNMENT

The City Council adjourned at 8:30 p.m. to January 15, 2002.



Mayor

ATTEST:



City Clerk