

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA PLANNING COMMISSION

May 6, 2014

CALL TO ORDER: Chairperson Shanahan called the Regular Meeting of the La Palma Planning Commission to order at 7:33 p.m. in the Council Chambers of La Palma City Hall, 7822 Walker Street, La Palma, California, with all members present.

PLEDGE OF ALLEGIANCE: Commission Member Goedhart

INVOCATION: Father Patrick Moses, St. Irenaeus Catholic Church

ROLL CALL: Commission Members

Council/Commission Members present: Commission Member Goedhart, Commission Member Hwangbo, Vice Chairperson Kim, and Chairperson Shanahan

Council/Commission Members absent: None

City Officials present: Ellen Volmert, Executive Director
Joel Kuperberg, City Attorney
Michael Belknap, Community Services Director
Douglas Dumhart, Community Development Director
Laurie Murray, Administrative Services Director/City Clerk
Eric Nuñez, Police Chief

Administrative Services Director/City Clerk Murray stated, "The City Council will now recess and convene as the Successor Agency to the Dissolved Community Development Commission of the City La Palma, and then recess and convene as the Planning Commission. Members of the La Palma City Council receive no compensation or stipend as a result of convening or participating in either the Successor Agency or Planning Commission meetings, or otherwise as serving as members of the Successor Agency or Planning Commission."

CONSENT CALENDAR

PL-1. Approval of Planning Commission Minutes

Minutes of the April 15, 2014, Regular Meeting of the La Palma Planning Commission.

Vice Chairperson Kim made a motion to approve Consent Calendar Item PL-1.

The motion was seconded by Commission Member Charoen and carried on the following vote:

AYES: Council Member Charoen, Council Member
Goedhart, Council Member Hwangbo, Mayor
Pro Tem Kim, and Mayor Shanahan

NOES: None

PUBLIC HEARINGS

PL-2. Consideration of the Draft General Plan Update and Draft Environmental Impact Report

- a) Chairperson Shanahan opened the Public Hearing at 7:34 p.m.
- b) Laura Stetson, MIG/Hogel-Ireland Principal, gave the Presentation

Commission Member Goedhart asked for clarification on the 1.5 Floor to Area Ratio (FAR) of the ADP Property in the General Plan proposed, if it equals approximately 8 times the current density amount that ADP currently has.

Ms. Stetson concurred and continued with the presentation.

- c) Public Input:

Lewis Toth, 7892 Lemonwood Circle, addressed the Planning Commission regarding his opposition to the Town Center proposal; the necessity for a needs analysis prior to any new development; that MIG/Hogel-Ireland was responsible for the Brea Town Center concept; that the Community has said they do not want any change; that this plan could reduce property values; and support for no land use changes.

Kerry Brian, 5592 Maplewood Avenue, addressed the Planning Commission regarding his opposition to any changes to the City's current density and that the proposed General Plan jeopardizes that.

Mike Hiehle, 7891 Birchwood Circle, addressed the Planning Commission regarding his opposition to the proposed General Plan because of the potential parking deficits; that existing Medical buildings have existing parking difficulties; opposition to density changes; and that the residents of La Palma should vote on the General Plan.

Pat Craig, 7662 Tracy Lane, addressed the Planning Commission regarding her opposition to the General Plan because of the proposed density changes; the impacts of increasing density; the emotional reasons for living in La Palma; support for not changing current conditions; and a reminder of the petition that included 1,079 signatures in support of keeping La Palma as it currently is.

Adel Stefanos, 7881 Birchwood Circle, addressed the Planning Commission regarding her opposition to any changes to La Palma and that the residents should be the ones voting on the General Plan instead of the City Council.

Barbara Hiehle, 7891 Birchwood Circle, addressed the Planning Commission regarding her opposition to the proposed General Plan; the rumors of the Hospital leaving; that the public needs more information on development for the next five years prior to making any decision on the General Plan; opposition to declining property values from increased density; and support for making no changes to La Palma.

- d) Chairperson Shanahan closed the Public Hearing at 8:31 p.m.
- e) Planning Commissioners Comments and Questions

Discussion ensued regarding the proposed General Plan changes not being necessary for revenue increasing measures as the City Council developed and approved a sustainable financial plan; Commission Member Goedhart's opposition to neighborhoods being impacted by the proposed increased densities in the General Plan; opposition to the increased FAR proposed for Centerpointe, Brookside Apartments, and ADP properties; opposition to the proposed Town Center density intensification; support for minimum density increase at Centerpointe; support for making no changes to the City; appreciation for public attendance; that the densities contained in the plan were part of an analysis; that the Environmental Impact Report (EIR) noted that there were no impacts with the increased densities; that the General Plan is an exercise that the State encourages cities to go through to comply with legislation and accommodate

changes; that the City does not have to approve the suggestions in the proposal; that the passing of Proposition 13 has led to decreased property taxes; that residents should be open minded on the proposals; that this plan is for future generations; the cost of running a full service city; support for the technology piece in the General Plan proposal; the importance of keeping the Freeway Overlay District to complete the billboard project; the options that the Freeway Overlay District allows; the process and planning structure for adopting the General Plan; consensus for addressing the intensity of the land uses; support for refreshing the language, the technology element, multi-family designation on the empty property at Crescent Avenue and Moody Street, and the Freeway Overlay District; opposition to density intensifications; that the General Plan Update is required by the State every ten years; that the City Council has not referred to the existing General Plan when making a development decision in the past seven years; that each new business or development is ultimately decided upon, case-by case, by the City Council; that any current development has not been denied because of the existing General Plan; that all proposed density changes are on privately owned land; that the City cannot stop any private entity from selling their property; the low occupancy rate of the existing medical buildings; that during the 2012 campaign, the proposal at that time was for even higher density than what is currently presented; support for protecting La Palma in its current state with minimal modifications; the history of Centerpointe's FAR's; the options for the Planning Commission's decision making; and why the increased density is being proposed.

Laura Stetson responded that the density proposed is an incentive for property owners to evaluate what can be done on a property; that there needs to be value in that decision; that the proposed FAR number is dependent upon the developer at that time and could go under or up to the maximum; and examples and explanation of intensification on a small piece of property.

Further discussion ensued regarding opposition to having a multi-story building in the center of town; that Staff and the Consultant need Planning Commission direction for the use and intensification of the specified areas; support for low profile retail uses at the proposed Town Center location; and Pacific Electric Right-of-Way (PEROW) being protected by current and proposed zoning to keep rapid transit from occurring.

City Attorney Kuperberg responded that if a Government Agency sponsors the project, the City has limited authority; and that the City should not create zoning that discourages rapid transit because of the legal effect.

Further discussion ensued regarding opposition to pursuing the Park Master Plan as proposed in the General Plan and explanation of the impact of the "Transfer of Development Rights".

Ms. Stetson explained that the term allows property owners to fluctuate the intensity on a parcel, keeping the total net FAR at its designated level for the total properties involved on a project; explanation of the proposed "Road Diet" in the General Plan meaning a city's ability to increase mobility on streets; how the General Plan incorporates addressing urban agriculture; and that the Plan is only a list of what the City 'could do' on its land.

Chairperson Shanahan reopened the Public Hearing at 9:38 p.m.

Cheryl Brian, 5592 Maplewood Circle, addressed the Planning Commission regarding her opposition to the proposed density increases at Centerpointe; how to address the parcel issues at the proposed Town Center location for narrow parcels; the parking issues at the newly developed food court in Buena Park north of La Palma; the potential increase of child accidents due to the proposed Town Center proximity of the John F. Kennedy High and Walker Junior High Schools. Ms. Brian also noted that the west side of Walker should be treated differently than the east side where the property is narrower and abutted homes.

Lewis Toth, 7892 Lemonwood Circle, addressed the Planning Commission regarding the problem in trying to attract business to the vacant Walgreens parcel; and his support for doing an economic analysis to attract new and good businesses; and opposition to the "Plan" giving developers increased density options for parcels.

Chairperson Shanahan asked for clarification on whether the City Council would have legal authority to decline a high density project if the land was zoned for high density.

City Attorney Kuperberg responded that the General Plan is not the entire regulatory tool for the City; that each development project is subject to a Conditional Use Permit or Precise Plan; and that it is always the City Council's discretion to approve or deny the project.

Chairperson Shanahan asked for clarification on the issues regarding development concerns on the vacant Walgreen's parcel at Walker Street and La Palma Avenue.

Community Development Director Dumhart responded that numerous letters and surveys were sent to nationally recognized fast food restaurants; that those companies evaluated the site and that those companies took their business to the Orangethorpe Avenue and Valley View Street location in

Buena Park because of the traffic volumes and freeway visibility; and that repositioning the hospital property could attract the right restaurant because they could see potential customers.

Theresa Morrison, Encinitas resident and property agent of 6892 Marlin Circle, addressed the Planning Commission regarding use clarification of her existing property.

Community Development Director Dumhart clarified that the intention is to allow flexibility for the property owner to reposition the property, not to deny the current industrial use.

Chairperson Shanahan requested a short recess at 9:53 p.m.

Chairperson Shanahan reconvened at 10:02 p.m. with all members present and continued with the public hearing.

Daniel Metzger, 7981 Birchwood Circle, addressed the Planning Commission regarding his agreement with the statements made by other members of the public and asked if there was a study done to address crime or criminal activity with the proposed density increases.

Ms. Stetson responded that a General Plan does not deal with crime prevention, it deals with traffic impacts because there is no way to measure crime as it is not an environmental issue.

Mike Hiehle, 7891 Birchwood Circle, addressed the Planning Commission regarding the procedure to sell your home includes fact disclosure and with potential density intensifications, it could affect the future property value and sale.

Further discussion ensued regarding the need to make a decision; the numerous accounts of opposition and support for the same ideas; and the possibility of making a motion for each piece.

Commission Member Goedhart made a motion to create restrictive zoning language to discourage rapid transit along the PEROW.

The motion was seconded by Vice Chairperson Kim and carried on the following vote:

AYES: Commission Member Charoen, Commission Member Goedhart, Commission Member Hwangbo, Vice Chairperson Kim, and Chairperson Shanahan

NOES: None

Commission Member Goedhart made a motion to approve the Multi-Family Residential zoning change to the Crescent Avenue and Moody Street vacant parcel.

The motion was seconded by Vice Chairperson Kim and carried on the following vote:

AYES: Commission Member Charoen, Commission Member Goedhart, Commission Member Hwangbo, Vice Chairperson Kim, and Chairperson Shanahan

NOES: None

Commission Member Goedhart made a motion to direct staff to not make any changes to the proposed Town Center parcels and to keep the current zoning "as-is". The motion was seconded by Vice Chairperson Kim.

Council Member Hwangbo made a substitute motion to direct Staff to return to the City Council with a redefined commercial zoning design for the proposed Town Center property.

Discussion ensued regarding the existing zoning at the area in question; the process to change zoning designations; the specific commercial zoning on adjacent properties; the possibility of redesigning the FAR on the property; the intent for the substitute motion being that the City wants to attract retail businesses if the Hospital were to move; how to address the properties zoned Town Center to the East of Walker Street; and the complexity of having Staff redefine commercial zoning for that property.

Commission Member Hwangbo withdrew his substitute motion.

Further discussion ensued regarding opposition to making 'no changes' and that any interested party can request a General Plan amendment to change the zoning of the proposed Town Center property.

The original motion by Commission Member Goedhart was carried on the following vote:

AYES: Commission Member Charoen, Commission Member Goedhart, Vice Chairperson Kim, and Chairperson Shanahan

NOES: Commission Member Hwangbo

Commission Member Goedhart made a motion to leave the Brookside Apartments parcel zoned "as-is" and to make no changes to the parcel.

The motion was seconded by Chairperson Shanahan and carried on the following vote:

AYES: Commission Member Charoen, Commission Member Goedhart, Vice Chairperson Kim, and Chairperson Shanahan

NOES: Commission Member Hwangbo

Commission Member Goedhart made a motion to approve the proposed Freeway Overlay zone as recommended by Staff.

The motion was seconded by Vice Chairperson Kim and carried on the following vote:

AYES: Commission Member Charoen, Commission Member Goedhart, Commission Member Hwangbo, Vice Chairperson Kim, and Chairperson Shanahan

NOES: None

Commission Member Goedhart made a motion to approve the Centerpointe parcel to expand to a .75 from .60 FAR, allowing a residential component at 27 units per acre. The motion was seconded by Vice Chairperson Kim.

Council Member Hwangbo made a substitute motion to approve Staff's recommendation to 1.5 FAR and 48 units per acre.

The motion was seconded by Mayor Shanahan and carried on the following vote:

AYES: Commission Member Charoen, Commission Member Hwangbo, and Chairperson Shanahan

NOES: Commission Member Goedhart and Vice Chairperson Kim

City Attorney Kuperberg reported that if it is the Planning Commission's intent to approve the PEROW non-transportation use, the motion as originally given may not be effective because it was technically 'direction to Staff'; however, as a legal matter, the Staff's current recommendation of a "Public-Institutional" zone - which is a non-transportation use - is as restrictive as legally possible and that the Planning Commission should support the Staff recommendation on the PEROW.

Commission Member Goedhart made a motion to reconsider the original vote on the PEROW and approve the Staff recommendation.

The motion was seconded by Commission Member Hwangbo and carried on the following vote:

AYES: Commission Member Charoen, Commission Member Goedhart, Commission Member Hwangbo, Vice Chairperson Kim, and Chairperson Shanahan

NOES: None

- f) Adopt Resolution No. PC 2014-02 recommending City Council Certify the DEIR and approve the draft General Plan Update 2014.

City Attorney Kuperberg recommended that the appropriate action would be to make motion to adopt the resolution as recommended by Staff to include the previous motions as discussed.

Commission Member Hwangbo made a motion to adopt Resolution No. PC 2014-02 recommending City Council Certify the DEIR and approve the draft General Plan Update 2014 as recommended by Staff to include the previous Planning Commission's straw votes as noted. The motion was seconded by Commission Member Charoen.

Commission Member Goedhart stated that he will not be supporting the motion because of his opposition to the high densities proposed for Centerpointe as voted on.

The motion carried on the following vote:

AYES: Commission Member Charoen, Commission Member Hwangbo, and Chairperson Shanahan

NOES: Commission Member Goedhart, and Vice Chairperson Kim

REGULAR ITEMS

None Scheduled.

ADJOURNMENT

Commission Member Shanahan adjourned the Planning Commission meeting at 10:26 p.m.

Steve Shanahan
Chairperson

Attest:

Laurie A. Murray, CMC
City Clerk