

AGENDA

SPECIAL MEETING

LA PALMA CITY COUNCIL

March 5, 2009, Evening

If you wish to speak before the City Council, please complete a Speaker Form identifying which item(s) you wish to address and provide the Speaker Form to the City Clerk. Speaker Forms are available at the entrance of the Royal Palm room. Speakers on numbered agenda items and Oral Communications (non-agenda items) are limited to five (5) minutes each.

7:00 p.m.
La Palma Community Center
Royal Palm Room
7821 Walker Street
La Palma, California, 90623

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL: Council Members

ORAL COMMUNICATIONS (Time Limit: 5 Minutes Each)

Time has been reserved at this point in the Agenda for persons wishing to speak on any item which is not listed on the Agenda. By law, the City Council is prohibited from taking action on such oral comments. The matter will be automatically referred to staff for appropriate response or action or will be placed on the Agenda of a future meeting. Matters listed on the Agenda may be addressed either at this time or at the time they are before the Council for discussion.

REGULAR ITEM

1. **Consideration of Developing Exterior Paint Color Standards for Homes in the Single Family Residential (R-1) Zone of the City.**

Recommendation that the City Council direct staff to proceed with Alternative 2, to develop voluntary guidelines and tips for residents to consider prior to repainting their homes in the

Single Family Residential (R-1) Zone, including the coordination of "how to" painting clinics and workshops with local paint suppliers and contractors.

ADJOURNMENT

The City Council will adjourn to its Regular Meeting on March 17, 2009.

NOTE: As a general rule, staff reports or other written documentation have been prepared or organized with respect to each item of business listed on the agenda. Copies of these materials and other disclosable public records distributed to all or a majority of the members of the City Council in connection with an open session item on the agenda are on file and available for inspection with the Office of the City Clerk, City Hall, 7822 Walker Street, during regular business hours 7:30 A.M. to 5:30 P.M., Monday through Thursday, and alternating Fridays. If such writings are distributed to members of the Council on the day of a City Council meeting, the writings will be available at the entrance to the City Council Chambers. If you have any questions regarding any item of business on the agenda for this meeting, any of the staff reports, or other documentation relating to any agenda item, please contact Laurie Murray, Administrative Services Manager, at (714) 690-3338.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, you should contact the Office of the City Clerk at (714) 690-3338. Notification 24 hours prior to the meeting, will enable the City to make reasonable accommodations to ensure accessibility to this meeting.



AGENDA ITEM

Item Number:

1

TO: CITY COUNCIL
FROM: CITY MANAGER

Submitted By:

John Di Mario, Community
Development Director

Meeting Date:

March 5, 2009

Subject: Consideration of Developing Exterior Paint Color Standards for Homes in the Single Family Residential (R-1) Zone of the City

RECOMMENDATION:

It is recommended that the City Council direct staff to proceed with Alternative 2, to develop voluntary guidelines and tips for residents to consider prior to repainting their homes in the Single Family Residential (R-1) Zone, including the coordination of "how to" painting clinics and workshops with local paint suppliers and contractors.

BACKGROUND:

The City of La Palma does not currently regulate the exterior paint color of existing homes in the Single Family Residential (R-1) Zoning District of the City. Architectural review, including exterior color determinations, is done by the Development Committee for new residential developments and for major additions and alterations to existing properties. At the City Council meeting of March 4, 2008, the City Council reviewed and discussed pursuing the development of an ordinance to regulate house colors of homes in La Palma. The City Council directed staff to further research the creation of such an ordinance and to provide an opportunity for residents to provide their input about developing an ordinance for the City of La Palma.

COMMUNITY INPUT:

Community Workshop

On August 26, 2008, a Community Workshop was held to discuss regulating exterior paint color for single-family residential homes. Approximately 100 residents attended the meeting. The meeting consisted of a brief presentation by Staff followed by an opportunity for those in attendance to provide input on the matter. Both oral and written comments were received and

those expressing comments were requested to complete a speaker card. The card consisted of four choices to indicate one's opinion about regulating exterior house colors.

The following choices were provided, requesting that only one item be checked.

- A. I would more likely support leaving things the way they currently are today.
- B. I would more likely support developing guidelines and tips for painting your home.
- C. I would more likely support an ordinance regulating paint colors for homes.
- D. No opinion/other.

A total of 65 cards were collected at the workshop, which included responses from individuals who also expressed oral comments. Although it was requested that only one response be checked, two of the cards had multiple responses. The results are shown below:

- A. More likely support leaving things the way they currently are today. – 42%
- B. More likely support developing guidelines and tips for painting your home. – 24%
- C. More likely support an ordinance regulating paint colors for homes. – 33%
- D. No opinion/other. – 1%

Although the results from the Community Workshop indicate that most would support leaving things as they currently are, approximately one-third of those attending the workshop would be supportive of an ordinance. Nearly two-thirds (66%) would support leaving things as they currently are and/or developing guidelines and tips as compared to 57% that would support guidelines and/or an ordinance.

Community Survey

In December 2008, a survey was mailed out in the water billing statements to all residential properties, excluding apartment buildings. A copy of the survey is included as Attachment No. 1. The survey included wording in Chinese, Korean, Spanish, Tagalog, and Vietnamese, indicating that the survey contains information regarding house paint colors and if translation assistance was needed, to please contact the City via email. The City did not receive any requests for this assistance.

A total of 4,320 surveys were distributed and 1,023 were returned resulting in a response rate of 24%. Residents were asked to check all that would apply regarding their opinion of regulating exterior paint colors of single-family homes. The following four responses were offered:

1. I would be in **support** of the City adopting **color standards** to regulate the exterior paint colors of single family homes.
2. I would **not** be in support of the City adopting **color standards** to regulate the exterior paint colors of single family homes.
3. I would be in **support** of the City developing **voluntary guidelines** for exterior paint colors of single family homes.
4. I have **no opinion** on regulating exterior paint colors of single family homes.

The results of the survey are provided in Table I below.

TABLE I

	No. of Responses	%
1. Only would support the City <u>adopting color standards</u> to regulate exterior paint colors	375	37%
2. Would support color standards <u>or</u> developing voluntary guidelines	93	9%
3. Only would support the City <u>not adopting color standards</u> to regulate exterior paint colors	265	26%
4. Would <u>not support</u> the City adopting color standards, but <u>would support</u> voluntary guidelines	36	4%
5. Only would support the City developing <u>voluntary guidelines</u> for exterior paint colors	237	23%
6. No opinion on regulating exterior paint colors	17	1%
TOTAL	1,023	100%

Approximately one-third (37%) of those responding to the survey indicated they would only be in support of the City adopting color standards to regulate exterior paint colors, while 26% would not be in support of any color regulations. Close to one-quarter (23%) of those responding indicated that they would only be supportive of voluntary guidelines and 1% said they had no opinion on the matter. Ninety-three responses or 9% indicated support of adopting color standards or voluntary guidelines. Four percent (4%) responded not to be in support of color standards and would support guidelines. However, the survey data can be interpreted to suggest that over 50% would not support adopting standards to regulate colors, but would support voluntary guidelines. This compares with 69% that would support either adopting colors standards or voluntary guidelines.

ANALYSIS:

Survey of Other Orange County Cities

Staff contacted the other 34 cities in Orange County regarding the regulation of exterior colors for existing residential structures as well as commercial and industrial buildings. Responses were received from all but two cities. Thirty-one of the cities responded that they do not currently have ordinances regulating exterior colors for existing residential areas. Several of the cities, particularly those in south Orange County, have numerous homeowner's associations that address color within their communities, as well as cities like Rancho Santa Margarita, which has a master association encompassing the entire city that deals with exterior house colors citywide. The City of San Clemente does have regulations regarding exterior residential paint colors for registered historical properties. Eight of the cities have regulations for commercial/industrial properties, including the cities of Buena Park and Los Alamitos. Buena Park's regulation only applies to certain commercial areas and Los Alamitos' applies when a change to the building requires a conditional use permit. Many cities, like La Palma, perform design review for any new developments or for modifications to existing structures.

City of Farmers Branch, Texas

In October 2007, the City Council for the Dallas-Fort Worth suburb of Farmers Branch, with a population of just over 28,000, was approached by residents asking for the City to consider requiring permits and color approval before a resident could repaint their home. The concern was over some brightly colored homes and bold color combinations that had come about in the City. With a population that is 78% White, 2% African American, 3% Asian, and 37% Hispanic or Latino, some believed this was directed toward the Latino community. Concerns were raised about how the City would determine appropriate colors, without giving the appearance that the color selections were directed at a certain type of culture. Several residents suggested that the city should direct its focus not on which colors to allow, but on which colors to ban. The City Council has since not enacted any regulations, requirements, guidelines, or standards for residents of Farmers Branch wanting to repaint their homes. The subject is no longer being discussed by City officials.

City of Pembroke Pines, Florida

In June 2004, the City Commission (City Council) for Pembroke Pines took up the discussion of a residential color code in neighborhoods not regulated by a homeowner's association. Pembroke Pines is located in Broward County, near Fort Lauderdale, with a population of approximately 146,000. The Commission passed a motion that the project be referred to the Planning and Zoning Board for their review and to include a public hearing. At the public hearing the Planning and Zoning Board had no specific recommendation. The Board proposed that the City Attorney investigate the possibility of regulating residential building colors that does not involve a permit process. The Commission discussed the disadvantages of requiring a permit which mainly focused on difficulty in educating the public about the permit process as well as devoting necessary staff resources to process the permits. The City Commission ultimately took no action and abandoned the item.

City of Cerritos

In April 2004, the City of Cerritos adopted an ordinance regulating paint color, material, and the treatment of residential building exteriors, including walls and fences. Prior to the adoption of the ordinance, the regulation of colors for homes in Cerritos had long been implied, but not formally codified in the City's municipal code. The ordinance was adopted so that an enforcement mechanism would be in place for those that did not follow the implied color scheme. The City of Cerritos has an approved paint palette that includes paints in the color families of beige, gray, green, Mediterranean, neutral, peach and yellow. Within each color family, there are groups of colors that correspond to specific features or parts of a home, such as: stucco, siding, trim, doors, gates, shutters, etc. The paint colors were determined based on commonly used paint colors in the community. Residents are required to obtain a "no fee" permit from the Community Development Department prior to painting their home. Failure to obtain a permit constitutes an infraction under the Cerritos Municipal Code and the matter is handled by Code Enforcement. Cerritos processes approximately 450 painting permits annually, which is approximately 3% of their total housing units. In comparison to La Palma, this would result in approximately 108 painting permits being processed. Currently for La Palma, the most common type of over-the-counter permit is for temporary and permanent commercial signage consisting of approximately 35 permits annually. Cerritos staff also indicated that if a homeowner does not first obtain a permit and the re-painting of the home is not actually observed by Code Enforcement, the matter is not proactively addressed unless a complaint is received. The City has not received a legal challenge pertaining to their ordinance.

Legal Concerns

The City Attorney previously prepared a memorandum on this matter to the City Manager that was distributed to the City Council. The City Attorney has stated that several California cities, such as Cerritos, have adopted ordinances to regulate the exterior colors of residential structures. There have been several court cases directed at a city's use of police power through zoning ordinances to require a specific architectural design and/or style. Although the

courts have generally upheld a city's ability to achieve aesthetic objectives and protect community aesthetics, no specific case law yet exists addressing the legality of regulating exterior colors on residential structures.

House Colors and Property Values

Staff was unable to locate any studies examining the exterior color of homes and their impact, either positively or negatively, on property values. Staff's research on exterior housing colors did result in the following information:

- Some studies have found that yellow painted homes, on average, sell faster than any other color. However, the actual color of the home may not be an influencing factor of why a home may be lingering on the market.
- The importance of exterior color has more to do with neighborhood continuity without standing out.
- Before painting a house, one should look at what the other neighbors are doing and choose colors that set your house apart from others, without clashing with other homes.
- Recent surveys have found that the most popular color choice of homes in the United States is white or off-white, followed by beige, tan, or brown. Next are gray, blue, green, and yellow. Last on the list is red and pink.

If the City Council decides to move in the direction of developing voluntary guidelines, a vast amount of information is available that can be condensed into a brochure or pamphlet, or as an insert into the City's quarterly City News and Activity Guide to be disseminated to all residents to guide them in selecting exterior paint colors. Staff could also explore setting up "how to" clinics and workshops with local paint suppliers and contractors.

ALTERNATIVES:

Based on the responses received from the City's community outreach efforts and additional research into this area; three alternatives are provided below for City Council consideration. Each alternative identifies the positives and negatives associated with that alternative.

Alternative 1: Take no formal action on this item.

Positives

- No need for allocation of any staff resources
- The process would not change for residents to paint their homes
- Would satisfy those residents not supporting an ordinance or voluntary guidelines

Negatives

- Does not directly address the concerns raised regarding house colors
- Would not satisfy those residents supportive of an ordinance or voluntary guidelines

Alternative 2: Direct staff to begin the process to develop voluntary guidelines and tips for residents to consider prior to repainting their homes in the Single Family Residential (R-1) Zone. The conduction of “how to” painting clinics and workshops to guide residents in the selection of exterior paint colors and proper preparation and application techniques would also be explored with local paint suppliers and contractors.

Positives

- Would give residents the opportunity to give further consideration to the selection house colors before repainting their home
- May play a role in facilitating communication between and among neighbors
- Would satisfy those residents not in support of an ordinance and those supportive of voluntary guidelines
- Shows that the community input was considered

Negatives

- Will result in the need for some staff resources
- Can give the impression or misunderstanding that mandatory and enforceable regulations exist, when in fact, they do not
- May not have any ultimate impact on the future occurrence of less commonly colored homes appearing in the community
- Would not satisfy those residents supportive of an ordinance

Alternative 3: Direct staff to begin the process to develop an ordinance to amend the City Code to regulate exterior house colors in the Single Family Residential (R-1) Zone. It would be recommended that an ad hoc committee of residents consisting of two (2) members from the Development Committee, one (1) member each from the Community Activities and Beautification and Traffic Safety committees, and three residents appointed at-large. The committee would be tasked with working together with staff in developing the parameters and color standards (color palette) for the proposed ordinance.

Positives

- Theoretically would eliminate the future occurrence of less commonly colored homes in the community
- Would satisfy those residents supportive of an ordinance

Negatives

- Would result in the need for significant staff resources to properly review, process, and enforce a house painting permit
- Residents would have to go through a permit process before repainting their home
- Existing homes not in compliance with the new ordinance would remain until the owner decides to repaint the house, which could be decades
- Would not satisfy those residents not supportive of an ordinance
- Could expose the City to legal challenges
- Could increase costs for residents if they paint their home without a permit and then have to repaint the home if the color did not comply with the standards

CONCLUSIONS:

The results received thus far from the City's community outreach efforts do not indicate that a majority of La Palma residents would like to see the City Code changed to regulate exterior house colors. However, it appears that a significant majority (69%) believe that something should be done regarding exterior house colors. The development of voluntary guidelines and informational clinics and workshops could be an acceptable resolution that would help to foster a "good neighbor" policy and focus on an overall attitude of neighborhood pride.

FISCAL IMPACT:

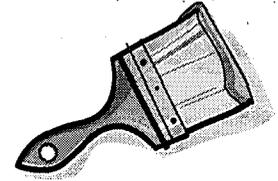
Depending on which of the three alternatives is selected, it could result in significant additional staff costs to the City. However, these costs are not quantifiable at this time.

Attachment No. 1: Community Survey



CITY OF LA PALMA

Residential Paint Color Survey



The City of La Palma does not currently regulate the exterior paint colors of existing single family residential properties. The City has received some comments from the community about developing color standards to regulate the exterior colors of homes in La Palma.

An initial community workshop was previously held to discuss this topic and provide residents the opportunity to give their input on the subject. The City would like to hear from as many residents as possible in evaluating potential changes to the City's Code that would regulate the exterior color of homes in single family neighborhoods.

Provided below is a brief survey asking your opinion about implementing exterior color standards for the painting of homes in the City of La Palma. Please take a few minutes to complete the survey.

You may detach the form below and return it with your water bill payment or you can drop it off directly at City Hall. All survey responses will remain anonymous.

If you would like to be notified by email of any future actions by the City in regards to this topic, you may sign up for the Residential Paint Color Notify Me at: www.cityoflapalma.org/notifyme. If you wish to submit written comments, you may do so by email at: commdev@cityoflapalma.org or by standard mail to: City of La Palma, 7822 Walker Street, La Palma, CA 90623.

The City thanks you for your participation.

<p>This document contains a survey regarding house paint colors. If you would like this document translated in another language, please email: commdev@cityoflapalma.org.</p>	<p>Este documento contiene un estudio acerca de los colores de pintura de las casas. Si usted desea recibir este documento en otro idioma, por favor escribanos a: commdev@cityoflapalma.org.</p>
<p>本文件载有关于房屋调查油漆的颜色。如果您想这份文件翻译成另一种语言, 请发送电子邮件至: commdev@cityoflapalma.org。</p>	<p>Ang dokumentong ito ay naglalaman ng isang pagsisiyasat tungkol sa bahay pintura kulay. Kung iyong nais ang dokumento na ito isinalin sa ibang wika, mangyaring mag-email: commdev@cityoflapalma.org.</p>
<p>이 문서는 가정용 페인트 색상에 관한 설문 조사가 포함되어있습니다. 만약 당신이 이 문서를 다른 언어로 번역된처럼 이메일을 보내 주시기 바랍니다: commdev@cityoflapalma.org.</p>	<p>Tài liệu này có chứa một cuộc khảo sát về nhà sơn màu sắc. Nếu bạn muốn dịch tài liệu này trong một ngôn ngữ khác, vui lòng email: commdev@cityoflapalma.org.</p>

Please check ALL that apply:

- I would be in **support** of the City adopting color standards to regulate the exterior paint colors of single family homes.
- I would **not** be in support of the City adopting color standards to regulate the exterior paint colors of single family homes.
- I would be in support of the City developing **voluntary guidelines** for exterior paint colors of single family homes.
- I have **no opinion** on regulating exterior paint colors of single family homes.