




**NOTICE IS HEREBY GIVEN that a special meeting of the City Council of the City of La Palma is hereby called and will be held on December 22, 2009, commencing at 6:00 p.m. in the Council Chambers, located at 7822 Walker Street, La Palma, California.**

**Said meeting shall be for the purpose of adopting an urgency Ordinance that extends the Interim Urgency Ordinance Establishing a Temporary Moratorium on the Processing or Approval of Land Uses on Designated Properties in the Neighborhood Commercial Zone and for interviewing candidates for Council Appointed Committees and discussing appointments to said committees.**

**Dated: December 17, 2009**

  
**Laurie A. Murray, City Clerk**

# AGENDA

SPECIAL MEETING

LA PALMA CITY COUNCIL

December 22, 2009

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 in the City Hall lobby. Speakers on numbered agenda items and Oral Communications (non-agenda items) are limited to five (5) minutes each.

6:00 P.M.

City of La Palma City Hall  
Council Chambers  
7822 Walker Street, La Palma

## CALL TO ORDER

## ROLL CALL

Councilmembers

## 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 ITEMS

1. ***Extension of an Interim Urgency Ordinance Establishing a Temporary Moratorium on Acceptance, Processing, and Approval of Applications and Permits for Land Use Development Entitlements and Land Use Permits on Designated Properties in the Neighborhood Commercial (NC) Zone, for a Period of 10 Months and 15 Days***

Recommendation that the City Council adopt an extension of an Interim Urgency Ordinance of the City of La Palma, California, establishing a temporary moratorium on

the acceptance, processing, and approval of applications and permits for land use development entitlements and land use permits on designated properties in the Neighborhood Commercial (NC) Zone, for a period of 10 months and 15 days, pending the preparation of an update to the City's Zoning Ordinance.

2. **Conduct interviews for Council Appointed Committees.**
3. **Discuss appointments to various Council Appointed Committees**

## ADJOURNMENT

**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) 690-3334. Notification by noon on Tuesday, December 22, 2009 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:

Scott Hutter   
Associate Planner

**Meeting Date:**

December 22, 2009

**Subject:**

Extension of an Interim Urgency Ordinance Establishing a Temporary Moratorium on the Acceptance, Processing, and Approval of Applications and Permits for Land Use Development Entitlements and Land Use Permits on Designated Properties in the Neighborhood Commercial (NC) Zone, for a Period of 10 Months and 15 Days

**RECOMMENDATION:**

It is recommended that the City Council adopt an extension of the Interim Urgency Ordinance of the City of La Palma, California, establishing a temporary moratorium on the acceptance, processing, and approval of applications and permits for land use development entitlements and land use permits on designated properties in the Neighborhood Commercial (NC) Zone, for a period of 10 months and 15 days.

**BACKGROUND:**

At the City Council meeting of January 20, 2009, the City Council adopted an update to the City's Economic Development Plan (EDP). The EDP discusses the rezoning of certain commercially zoned properties located at major intersections in the City, and is identified as Task E, under Section III of the EDP Implementation Plan. The properties, several of which are vacant, have been identified as critical to the City as they are corner parcels located at major intersections that establish the visual and physical character of the City. The parcels being considered are shown as Exhibit "A" to the attached Extension Ordinance. The proposed rezoning of these parcels would also include the establishment of design guidelines for future development at these sites.

A Request for Proposal (RFP) was prepared and issued on February 17, 2009, to solicit proposals from professional planning firms to assist Staff with this endeavor. The firm, Civic Solutions, was retained by the City in April 2009, and work was underway in May.

On June 3, 2009, a community meeting was held to discuss the project and receive initial input from the community. Property owners of the parcels being studied, nearby businesses and property owners, residents, and the general public were invited to attend the meeting. Those in attendance were provided the opportunity to provide input as to the types of businesses they would like to see, would not like to see, and if they had concerns about types of businesses that may have more of an impact than others.

To ensure the effectiveness of this planning process, on November 17, 2009, the City Council unanimously approved Ordinance No. 2009-06 pursuant to California Government Code Section 65858(a) as an urgency interim restriction on the processing or approval of any land use development entitlements, permits, or approvals on designated properties for banks or financial institutions, check cashing services, pawn shops, car washes, or liquor stores within certain gateway parcels covered by the Neighborhood Commercial (NC) Zone pending the completion of a study of amendments to the City's Zoning Ordinance. On that same date, the La Palma City Council also introduced Ordinance No. 2009-07 to adopt the same interim restrictions on a non-urgency basis pursuant to Government Code Section 65858(b); and the City Council conducted a second reading and adopted Ordinance No. 2009-07 on December 1, 2009.

The City Council approved the interim restrictions to prevent a proliferation of the above-described uses within the designated gateway parcels. If this were allowed to occur, the development of these uses without additional controls would likely significantly affect the visual, physical, and commercial character of these parcels, the role of these parcels as neighborhood gathering places, and the physical and visual character of the residential neighborhoods adjacent to the gateway parcels (which are referred to in the Ordinance as the "Study Parcels").

On December 15, 2009, the City Council approved and issued a written report (Attachment 1) describing the measures taken to alleviate the conditions which led to the adoption of the Interim Urgency Ordinance.

### **ANALYSIS:**

The Interim Ordinance was adopted because the proliferation of the types of uses identified above could negatively impact residential and other adjacent uses due to noise, traffic and circulation, and the potential for loitering. Of the six sites being studied, one site has entitlements that are soon to expire, another is on the market for sale, a third site is currently vacant, and three of the six sites abut single-family residential uses. The City needs additional time to complete a proposed rezoning of these parcels that would also include the establishment of design guidelines for future development at these sites.

In addition, four of the six sites being studied function as "gateways" into the City and serve a purpose of establishing the physical and visual character of La Palma. The suspension of processing and approval of certain entitlement approvals and permits would make it known to current and prospective property owners and businesses of the uses that certain uses may be in conflict with the forthcoming Amendment to the City's Zoning Code. It is anticipated that a follow-up community meeting will be held in early 2010 with the proposed Ordinance and Design Guidelines coming before the Development Committee before the end of 2010.

The City has taken measures to alleviate the conditions which led to the adoption of the Interim Ordinance by working with Civic Solutions to develop a draft Ordinance that would rezone specific parcels located in the Neighborhood Commercial (NC) Zone. The Ordinance

also includes new design guidelines that would be applicable to those parcels. The draft Ordinance was finalized during the 45-day initial term of the Interim Ordinance and is now in a form suitable to be presented at a follow-up community meeting in early 2010. It is anticipated that additional input from the community and interested parties may be received during the follow-up community meeting. Civic Solutions and the City would work to address any concerns and revise the draft Ordinance for review and consideration by the Development Committee, Planning Commission, and, ultimately, the City Council beginning sometime before the end of April 2010.

If adopted by the City Council, the Urgency Extension Ordinance would continue the suspension of the processing and issuance of entitlements and permit relating to the uses listed above through November 15, 2010. It is not expected that the Extension Ordinance will be necessary for the entire ten (10) months and fifteen (15) days. However, given that there could be additional comments from the public and interested parties at the upcoming follow-up community meeting, it may take some months for Civic Solutions and the City to finalize and complete the Zoning Code Amendment so that it can be presented to the Development Committee, Planning Commission, and City Council.

The Urgency Extension Ordinance, if adopted, would be adopted for the same reasons that the 45-Day Ordinance was originally adopted, as those reasons are still accurate; and, like the Interim Urgency Ordinance, this Urgency Extension requires a four-fifths (4/5) vote for approval.

**CONCLUSION:**

As the City continues to study possible changes and amendments to the City's Zoning Code, it is appropriate that the proposed Ordinance be adopted to extend the suspension of the issuance or processing of any land use approvals or building permits for banks and financial institutions, check cashing services, pawn shops, car washes, or liquor stores pending completion of design guidelines and the rezoning of certain commercially zoned properties located at major intersections.

**FISCAL IMPACT:**

None.

ORDINANCE NO. 09 \_\_\_\_

**EXTENSION OF AN INTERIM URGENCY ORDINANCE OF THE CITY OF LA PALMA, CALIFORNIA, ESTABLISHING A TEMPORARY MORATORIUM ON THE ACCEPTANCE, PROCESSING, AND APPROVAL OF APPLICATIONS AND PERMITS FOR LAND USE DEVELOPMENT ENTITLEMENTS AND LAND USE PERMITS ON DESIGNATED PROPERTIES IN THE NEIGHBORHOOD COMMERCIAL (NC) ZONE, FOR A PERIOD OF 10 MONTHS AND 15 DAYS, PENDING THE PREPARATION OF AN UPDATE TO THE CITY'S ZONING ORDINANCE**

**WHEREAS**, Government Code Section 65858 allows a City, without following the procedures otherwise required prior to adoption of a Zoning Ordinance, to adopt, as an urgency measure, an Interim Ordinance prohibiting any uses which may be in conflict with contemplated general plan, specific plan, or zoning proposals which the legislative body, Planning Commission, or Planning Department is intending to study within a reasonable time; and

**WHEREAS**, the City of La Palma is in the process of amending the City's Zoning Code, which Amendment is currently being prepared to be presented in draft form at a community meeting of interested parties to be held in early 2010; and

**WHEREAS**, the City Council finds and determines that the approval of pending or new applications for new development and building permits, approvals, and licenses for banks or financial institutions, check cashing services, pawn shops, car washes, or liquor stores, during the moratorium period, in which possible Amendments to the Zoning Ordinance are being studied, could result in conflicts with and proposed Amendments and would undermine the purpose of studying such Amendments, thereby reducing the quality of life within the community to the extent that the overall public health, safety and welfare are detrimentally affected; and

**WHEREAS**, the City's current zoning regulations for the Neighborhood Commercial (NC) Zone are deficient in several areas which resulted in critical corner parcels located at major intersections throughout the City as being vacant or underdeveloped; and

**WHEREAS**, the City Council of the City of La Palma wishes to protect and preserve the quality of the residential, commercial, and industrial areas of the City, as well as the quality of life throughout the City, through effective land use and planning; and

**WHEREAS**, the City Council of the City of La Palma finds that banks and financial institutions, check cashing services, pawn shops, car washes, and liquor stores (the "Subject Uses") that are not property regulated can result in an over concentration of patrons, employees, merchandise and, inventory on corner parcels located at major intersections that establish the visual and physical character of the City; and

**WHEREAS**, on January 20, 2009, the La Palma City Council adopted an update to the City of La Palma's Economic Development Plan which contains an Implementation Program that discusses the rezoning of specific commercially zoned properties located at major intersections in the City; and

**WHEREAS**, the City has commenced the process to evaluate and study the types of uses permitted, conditionally permitted, or prohibited on certain parcels of land located within the Neighborhood Commercial (NC) Zone as depicted in Exhibit "A" which is attached hereto and incorporated by reference (the "Study Parcels"); and

**WHEREAS**, an initial community meeting was held on June 3, 2009, for property owners of the Study Parcels and other interested parties to provide input as part of the study; and

**WHEREAS**, at the initial community meeting held on June 3, 2009, input was provided that the City and Civic Solutions are including in their study of the various types of uses that are currently permitted, either conditionally or by right, for the identified corner Study Parcels within the NC zone, to determine if changes or modifications are warranted for banks and financial institutions, check cashing services, pawn shops, car washes, or liquor stores; and

**WHEREAS**, the City has been working with Civic Solutions to develop a draft Ordinance and supplementary design guidelines to present for additional community input and for review and consideration by the Development Committee, Planning Commission, and, ultimately, the City Council. The Ordinance is intended to create a new zoning designation for the identified corner Study Parcels located at major intersections (Exhibit A) that establish the visual and physical character of the City. The tentative name for the new zone is the Planned Neighborhood Development (PND) Zone; and

**WHEREAS**, on November 17, 2009, the City Council adopted Urgency Ordinance No. 2009-06 entitled "AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA PALMA PROHIBITING THE PROCESSING OR APPROVAL OF LAND USE DEVELOPMENT ENTITLEMENTS OR LAND USE PERMITS FOR CERTAIN PROPERTIES IN THE NEIGHBORHOOD COMMERCIAL (C-1) ZONE PENDING COMPLETION OF STUDIES AND THE PREPARATION OF CONTEMPLATED AMENDMENTS TO THE CITY'S ZONING ORDINANCE", which Ordinance expires forty-five (45) days from the date of its adoption, pursuant to the requirements of Government Code section 65858; and



**WHEREAS**, the City of La Palma was not able to complete the Zoning Code Amendment involving the need for input from the community, the Development Committee, the Planning Commission, and the City Council within the 45-day period of the temporary moratorium; and

**WHEREAS**, on December 15, 2009, the City Council approved and issued a written report describing the measures taken to alleviate the conditions which led to the adoption of the Interim Urgency Ordinance; and

**WHEREAS**, on December 22, 2009, the City Council held a duly noticed Public Hearing to consider extending the Interim Urgency Ordinances for a period of ten (10) months and fifteen (15) days pursuant to Government Code section 65858(a), and has considered all testimony and evidence received at that Public Hearing; and

**WHEREAS**, for reasons set forth above, this Ordinance is declared by the City of La Palma City Council to be necessary for preserving the public peace, health, and safety and to avoid a current and immediate and direct threat to the health, safety, or welfare of the community, and the recitals clauses above taken together constitute the City Council's statements of the reason constituting such necessity and urgency.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LA PALMA DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1:** From the date of the passage of this Ordinance and for an additional period of then (10) months and fifteen (15) days, or sooner if the City adopts an Ordinance modifying regulations for uses on the Study Parcels, the City Council hereby directs that the City will not process, review, or approve any applications for land use developments or land use permits or issue any building, occupancy, or other permits for the Subject Uses located on the Study Parcels within the Neighborhood Commercial Zone, pending completion of studies and the City's review of contemplated Amendments to the Zoning Code.

**SECTION 2:** The City Council hereby finds that the adoption of this Ordinance is necessary to allow for sufficient time for the completion of such studies.

**SECTION 3:** The City Council finds and determines that the adoption of this Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3) [14 C.C.R. § 15061(b)(3)] which sets forth the rule that "CEQA" applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

**SECTION 4:** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subdivision, sentence, clause, phrase, or portion of this Ordinance irrespective of the fact that one or more sections, subdivisions, sentences, clauses, phrases, or portions of this Ordinance be declared invalid.

**SECTION 5:** This Ordinance is an extension of ten (10) months and fifteen (15) days to the Interim Urgency Ordinance enacted by the City Council of the City of La Palma on November 17, 2009, pursuant to the provisions of the California Government Code Section 65858(a).

**SECTION 6:** This extension of the Interim Urgency Ordinance shall take effect immediately upon adoption and shall be effective for ten (10) months and fifteen (15) days thereafter, and may be extended pursuant to the provisions of Government code Section 65858(a) an additional year if necessary.

**SECTION 7:** The City Clerk shall certify the passage and adoption of this Ordinance and the same shall be required by law and shall take effect as provided by law.

**PASSED, APPROVED, and ADOPTED** by the City Council of the City of La Palma at a regular meeting held on the 22nd day of December 2009.

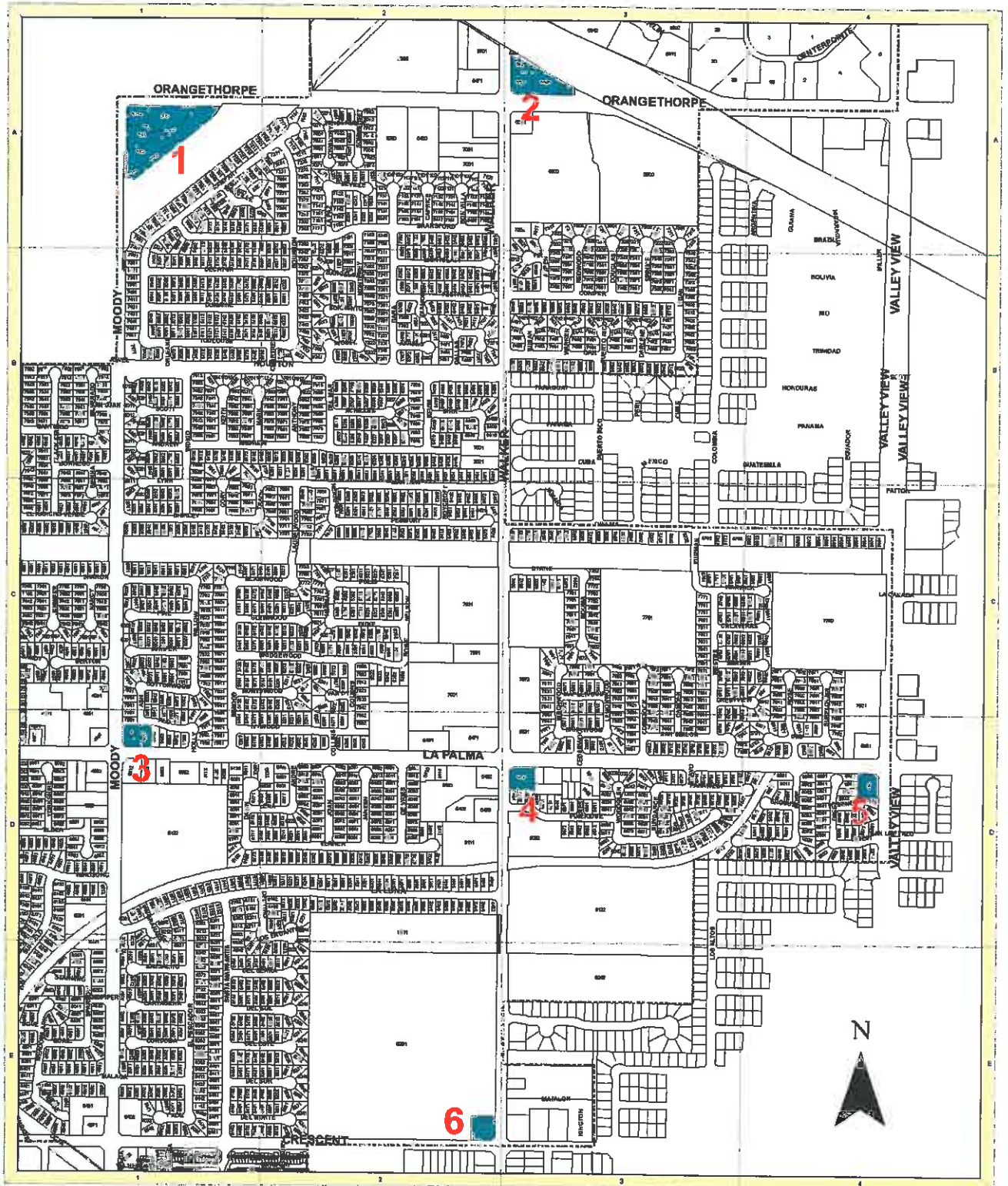
\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Laurie A. Murray, City Clerk

# EXHIBIT A

## Exhibit "A" – Study Parcels



# ATTACHMENT 1

## REPORT TO THE CITY COUNCIL OF THE CITY OF LA PALMA ON THE INTERIM URGENCY ORDINANCE PROHIBITING THE PROCESSING OR APPROVAL OF DEVELOPMENT ENTITLEMENTS, PERMITS, OR APPROVALS ON DESIGNATED PROPERTIES IN THE NEIGHBORHOOD COMMERCIAL (NC) ZONE



VISION ♦ FAMILY ♦ PRIDE OF OWNERSHIP ♦ OPPORTUNITY ♦ SECURITY

**December 15, 2009**

On November 17, 2009, a 45-Day Interim Urgency Ordinance was approved by the City Council that restricted land uses and development on specific parcels in the Neighborhood Commercial (NC) Zone pending completion of a study of amendments to the City's Zoning Ordinance. Pursuant to Government Code § 65858(d) the City Council is required to issue a report 10 days prior to the expiration of the Interim Urgency Ordinance Approved by the City Council on November 17, 2009.

## **BACKGROUND:**

The City of La Palma has been working with Civic Solutions to develop an Ordinance and supplementary design guidelines to present for additional community input, review, and consideration by the Development Committee, Planning Commission, and, ultimately, the City Council. The Ordinance is intended to create a new zoning designation for the specified corner parcels located at major intersections (Exhibit A) that establish the visual and physical character of the City. The tentative name for the new zone is the Planned Neighborhood Development (PND) Zone.

To ensure the effectiveness of this planning process, on November 17, 2009, the City Council of the City of La Palma unanimously approved Ordinance No. 2009-06 pursuant to California Government Code Section 65858(a) as an urgency interim restriction on the processing or approval of any land use development entitlements, permits, or approvals on designated properties for banks or financial institutions, check cashing services, pawn shops, car washes, or liquor stores within certain gateway parcels covered by the Neighborhood Commercial (NC) Zone pending the completing of a study of amendments to the City's Zoning Ordinance. On that same date, the La Palma City Council also introduced Ordinance No. 2009-07 to adopt the same interim restrictions on a non-urgency basis pursuant to Government Code Section 65858(b); and the City Council conducted a second reading and adopted Ordinance No. 2009-07 on December 1, 2009. The City Council approved the interim restrictions to prevent a proliferation of the above-described uses within the designated gateway parcels. If this were allowed to occur, the development of these uses without additional controls would likely significantly affect the visual, physical, and commercial character of these parcels, the role of these parcels as neighborhood gathering places, and the physical and visual character of the residential neighborhoods adjacent to the gateway parcels (which are referred to in the Ordinances as the "Study Parcels").

Government Code Section 65858(d) requires the City Council, as the legislative body of the City of La Palma, to "issue a written report describing the measures taken to alleviate the condition which led to the adoption of the ordinance" at least ten days prior to the expiration of the moratorium. This report is intended to address the requirements of Section 65858(d).

## **ACHIEVEMENTS:**

The proposed PND Zone is being developed by Civic Solutions and the City to encourage economic development within the City by encouraging restaurant and retail uses while limiting certain uses (e.g. banks and financial institutions, check cashing services, pawn shops, car washes, and liquor sales) that are unsuitable for the sites. The language of the PND Zone is being tailored to provide adequate

standards necessary to protect and promote the public health, safety, and general welfare of the City of La Palma. The purpose of the proposed PND Zone is to promote economic viability and sensitivity to design contexts and individual neighborhood character which are crucial to the success of any infill or redevelopment project.

The City and Civic Solutions have recognized that an integrated development provides an opportunity for creative design when flexible yet defined regulations are applied. The PND Zone will encourage commercial infill, redevelopment, and rehabilitation opportunities by allowing innovative land design and diversification in the relationship of various uses, building, structure, lot consolidation, parking and landscaping while ensuring substantial compliance with the General Plan and the intent of the Municipal Code.

Since the approval of the interim Ordinances, Civic Solutions and the City have completed the drafting of proposed PND Zone regulations. The draft incorporates feedback and comments received during the initial community meeting that was held on June 3, 2009, with property owners of the Study Parcels and other interested parties. A 24 page draft of proposed Development Design Guidelines for the PND Zone has also been completed. The Development Design Guidelines for the PND Zone are intended to provide clear and useful recommendations for the design, construction, review, and approval of development or redevelopment of the specified corner parcels (Exhibit A) in the City of La Palma that are proposed to be rezoned PND Zone. The Development Design Guidelines have been written so as to be used in concert with the City of La Palma Municipal Code and form a basis for evaluating development projects. The draft PND regulations and Development Design Guidelines are intended to protect against the proliferation of unrestricted and unconditioned bank and financial institution uses, check cashing services, pawn shop uses, car washes, and liquor sales, and the above-described adverse impacts that those uses may cause.

The City worked with Civic Solutions to ensure that the PND Development Design Guidelines are to be applied to the design of the project from the very beginning so that the design, review, and permitting processes are as efficient as possible. The proposed PND Zone guidelines are viewed as a minimum starting point for quality development in the PND Zone. Developers will be encouraged under the proposed PND Zone Development Design Guidelines to have their designers use their own creativity and local experience to implement the highest quality of design. The Development Design Guidelines will work in conjunction with the zoning provisions of the City of La Palma Municipal Code and provide a clear set of expectations and responsibilities for property owners and developers. The function of the proposed Ordinance is to create an environment that compels La Palmans to live, shop, and spend time at commercial developments in the PND Zone.

The overall goals of the PND Zone address the specific concerns that served as the basis for the interim Ordinances, and are as follows:

1. To promote economic viability and sensitivity to design contexts and individual neighborhood character crucial to the success of any infill or redevelopment project;
2. To protect and enhance the pedestrian environment and scale;
3. To design parking that is appropriate to each use and also promotes safe interaction between vehicles and pedestrians;
4. To ensure that retail/commercial uses serve the needs of La Palmas;
5. To ensure compatibility between adjacent uses;
6. To encourage high quality infill development that is comprised of desirable commercial uses.

The draft PND Zone and Development Design Guidelines address sensitive elements like adjacency issues, namely when development is proposed next to residential land uses. Issues of concern that were identified include parking limitations, lot consolidations in order to accommodate compact projects, and zoning issues (e.g., location and number of parking spaces, allowed/conditionally allowed, and prohibited uses that make sense to the site in question) all need to be carefully considered by the La Palma Community Development Department, Development Committee, Planning Commission, and City Council.

While the City and Civic Solutions have made considerable progress since the approval of the interim Ordinances in completing the draft PND regulations and Development Design Guidelines, these documents are not yet in a form to be released for public review and input. An extension of the 45-Day Urgency Ordinance will be necessary to ensure that uses that may conflict with the proposed PND Zone and associated Guidelines are not permitted. This is necessary so that the draft PND regulations and Development Design Guidelines may be finalized for public review, and then presented for public input and agendized for consideration by the La Palma Development Committee, Planning Commission and City Council. It is anticipated that the final draft PND regulations and Development Design Guidelines will be completed and presented to the Development Committee, Planning Commission, and City Council to review in the first quarter of calendar year 2010.