

MINUTES OF THE REGULAR MEETING
OF THE LA PALMA PLANNING COMMISSION

July 20, 2010

CALL TO ORDER: Chairperson Shanahan called the Regular Meeting of the La Palma Planning Commission to order at 7:07 p.m. in the Council Chambers of La Palma City Hall, 7822 Walker Street, La Palma, California.

PLEDGE OF ALLEGIANCE: Commission Member Charoen

INVOCATION: Pastor Jerry Bennett, Faith Fellowship Church

ROLL CALL: Commission Members

Commission Member present: Commission Member Charoen, Commission Member Herman, Vice Chairperson Rodriguez, Chairperson Shanahan, and Commission Member Waldman

Commission Member absent: None

City Officials present: Dominic Lazzaretto, City Manager
Joel Kuperberg, City Attorney
Douglas Dumhart, Community Development Director
Ed Ethell, Chief of Police
Jan Hobson, Recreation & Community Services Director
Jeff Moneda, Public Works Director/City Engineer
Keith Neves, Finance Director
Laurie Murray, Administrative Services Manager/City Clerk
Kimberly Kenney, Minutes Clerk

CONSENT CALENDAR

PL-1. Approval of Planning Commission Minutes

Minutes of the July 6, 2010, Regular Meeting of the La Palma Planning Commission.

Vice Chairperson Rodriguez made a motion to approve Consent Calendar Items PL-1.

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

AYES: Commission Member Charoen, Commission Member Herman, Vice Chairperson Rodriguez, Chairperson Shanahan, and Commission Member Waldman

NOES: None

PUBLIC HEARINGS

PL-2. Proposed Ordinance Amending Chapter 26 of the La Palma City Code Adding Provisions for the Creation of the Planned Neighborhood Development (PND) Zoning District and Changing the Land Use Designation for Certain Properties to PND

- a) Chairperson Shanahan opened the Public Hearing at 7:08 p.m.
- b) Community Development Director Dumhart introduced Civic Solutions President, Tom Merrill, who gave a detailed presentation.

Civic Solutions Principal Project Manager, Maryanne Marks, gave a brief presentation on the development standards and design guidelines for the PND Zoning District.

- c) Public Input

Dinesh Kumar Arsid, a commercial property owner, addressed the City Council regarding his recent remodel, that he was not informed about the zoning moratorium when he remodeled; the problems he has incurred leasing his property; and the current parking restrictions.
- d) Chairperson Shanahan closed the Public Hearing at 7:52 p.m.
- e) Commission Comments and Questions

Councilmember Herman asked Mr. Arsid if his building is occupied and when he purchased and remodeled the property.

Mayor Shanahan reopened the Public Hearing at 7:53 p.m.

Mr. Arsid responded that his original tenant moved out in November 2009, and that the space has been occupied since January 2010 by his personal business, I2Staff.

Councilmember Herman asked staff when the zoning moratorium went into effect and how it is possible that it was not communicated to the applicant when he pulled his building permits.

City Manager Lazzaretto responded that the zoning moratorium went into effect in October 2009 and that it only restricts certain uses. Because the Office/Professional use that Mr. Arsid applied for was an allowed use, there was no need to inform him of the moratorium.

Chairperson Shanahan closed the Public Hearing at 7:54 p.m.

Commission Comments and Questions:

Discussion ensued regarding how the proposed PND Zone could work if adjoining parcels consolidated or worked together; that Mr. Arsid could continue his business as a grandfathered use; using design incentives to encourage adjacent properties to consolidate or work together; that the proposed development standards would allow for smaller design setbacks and less design restrictions; that pole signs would not be allowed, but sign codes would be relaxed so that building signs could be seen from the adjoining freeway; that Mr. Arsid's business could benefit from the new zone; working with local business owners throughout the development review process; the Redevelopment Agency's ability to financially assist business owners; that Option One could force businesses to leave their current locations; that Option Three would grandfather current business uses; that certain businesses do not produce tax revenues; the proposed zoning encourages property owners to work with adjacent property owners to develop a project that has a better business model and generates more tax revenue; larger restrictions being placed on new businesses and existing businesses being allowed to operate as is; requiring current businesses to comply with the proposed zone requirements not being a good practice; allowing a multiple year grace period for existing businesses to comply; developing a strategy to encourage business owners to redevelop; the proposed zoning method is

becoming common amongst other cities; Option Three being an option that doesn't harm the current business owner; the consultant recommendation being Option One—to change all sites and move forward; the need to diversify the City's sales tax base; that the Planning Commission could rescind the proposed ordinance at a later date if it is not working; the Planning Commission's concern for current business owners; Option Three being fair to the current businesses; and if Option Three is selected, staff could develop a reasonable timeline; and continuing the Public Hearing to revise the proposed Ordinance to allow a modified form of Option Three.

City Attorney Kuperberg stated that zoning stays with the land; therefore, if the business use remains the same it is allowed.

Further discussion ensued regarding when a business location changes tenants or owners or wishes to change to a different nonconforming use.

City Attorney Kuperberg discussed what constitutes a nonconforming use and what the proposed Ordinance considers a like business.

Further discussion ensued regarding the complexity of the proposed Ordinance; that staff would provide the Planning Commission with further analysis of Option Three, allowing for an amortization period; that State law allows a massage use in a location where an office use is allowed; and that current buildings with a mixed uses would qualify for the amortization period and buildings built on the empty lots would automatically fall under the proposed PND zoning requirements.

- f) Adopt a Resolution recommending that the Planning Commission approve a General Plan Amendment and amendments to Chapter 26 of the City Code adding provisions for the creation of a new Zoning District entitled "Planned Neighborhood Development (PND)" and changing the Land Use Designation for certain properties to Planned Neighborhood Development; including necessary map and text amendments to the General Plan; and the proposed PND Design Guidelines.

Resolution No. PC 2010-06 approving a General Plan Amendment and amendments to Chapter 26 of the City Code adding provisions for the creation of a new Zoning District entitled "Planned Neighborhood Development (PND)" and changing the Land Use Designation for certain properties to Planned Neighborhood

Development; including necessary map and text amendments to the General Plan; and the proposed PND Design Guidelines.

Chairperson Shanahan continued the Public Hearing to August 17, 2010.

Chairperson Shanahan called for a short recess at 8:49 p.m.

Chairperson Shanahan reconvened the Planning Commission at 8:56 p.m. with all members present.

REGULAR ITEMS

None Scheduled.

ADJOURNMENT

Chairperson Shanahan adjourned the Regular Meeting of the La Palma Planning Commission at 8:57 p.m.

Steve Shanahan, Chairperson

Attest:

Laurie A. Murray, City Clerk