

ORDINANCE NO. 2012-03

AN ORDINANCE AMENDING CHAPTER 26 OF THE LA PALMA CITY CODE ADDING AND AMENDING CERTAIN PROVISIONS TO THE “PLANNED NEIGHBORHOOD DEVELOPMENT (PND)” ZONING DISTRICT

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 of La Palma has prepared an Ordinance amending the permitted land uses within the Planned Neighborhood Development (PND) Zoning District to address the economic and efficient use of the PND parcels located at major arterial intersections; and,

WHEREAS, the PND Zoning District was established on October 5, 2010, to specifically address the concerns for six Study Parcels located at major arterial intersections; and,

WHEREAS, the purpose of the PND Zoning District was to provide means for fostering the development and redevelopment of these key parcels consistent with the goals and objectives of the City's Economic Development Plan and General Plan; and,

WHEREAS, further amendments are necessary in order to implement the intent of the PND Zoning District's flexibility in development standards; and,

WHEREAS, the proposed amendments to the PND Zoning District constitute a “project” under the California Environmental Quality Act (CEQA) and the CEQA Guidelines. In accordance with CEQA and CEQA Guidelines, the City of La Palma, as the Lead Agency, has analyzed the project and prepared an Initial Study (IS) and draft Negative Declaration (ND), and circulated and posted the preparation and availability of the IS and ND for comment to the public; and,

WHEREAS, on March 6, 2012, the Planning Commission of the City of La Palma conducted a duly noticed Public Hearing on the subject Ordinance, considered testimony and evidence on the draft Ordinance and the IS and draft ND, and adopted a resolution recommending that the City Council adopt the draft Negative Declaration and approve the draft Ordinance; and,

WHEREAS, on March 20, 2012, the City Council of the City of La Palma conducted a duly noticed Public Hearing and considered evidence and testimony

regarding the draft Negative Declaration and draft Ordinance, and introduced the Ordinance; and,

WHEREAS, Section 1-10 of the City Code prescribes that the repealing, amending, and adding of portions to the City Code, shall be made by Ordinance.

NOW, THEREFORE, the City Council of the City of La Palma does hereby ordain as follows:

SECTION 1. Pursuant to CEQA and the CEQA Guidelines, the City Council finds there is no substantial evidence, in light of the whole record before the City, that the project may have a significant effect on the environment. Therefore, the City Council adopts the Negative Declaration for the Project. The City Council, as the lead agency for the project, finds that the Negative Declaration reflects the independent judgment of the lead agency. Prior to approving the Ordinance, the City Council has considered the Negative Declaration, together with any comments received during the public review process and responses thereto.

SECTION 2. In accordance with the La Palma City Code Section 26-134, the City Council of the City of La Palma finds as follows:

- (a) The proposed text amendments to the City's zoning regulations are consistent with all of the applicable objectives, policies, general land uses, programs, and actions of all applicable elements in the general plan.
- (b) The proposed text amendments to the City's zoning regulations are not detrimental to the public convenience, health, safety, or general welfare of the City.
- (c) The proposed text amendments to the City's zoning regulations are in compliance with the provisions of the California Environmental Quality Act (CEQA).
- (d) The proposed text amendments to the City's zoning regulations are internally consistent with other applicable provisions of the Development Code.

SECTION 3. Table II-5 in Section 26-34 of Article II Division 4 of Chapter 26, of the La Palma City Code is amended to conditionally permit Bank uses and to add new footnote "3" as follows:

**TABLE II-5: ALLOWABLE USES AND PLANNING PERMIT
REQUIREMENTS FOR NONRESIDENTIAL ZONING DISTRICTS**

LAND USE	OP	NC	B-1	GI	PI	OS	PND
Office Uses and Health Services							
Banks	P	P	P	C	X	X	C ³
³ Subject to use demonstrating how it satisfies conditions set forth in Sections 26-32(g)(1)(d); 26-32(g)(2)(b) and 26-152.1(a)(4)							

SECTION 4. Section 26-43.1(a)(4) of Article II Division 5 of Chapter 26 of the La Palma City Code is amended to read in its entirety as follows:

“All projects shall incorporate softscape to enhance the quality of development to the maximum extent reasonable. Softscape refers to the live, botanical elements of a landscape. Softscape includes green plants, flowering plants, trees, shrubs, vines, flower beds, various grasses and ground covers, and includes the flower, greenery, or botanical elements planted in containers, pots, and raised beds.”

SECTION 5. Section 26-43.1(d)(7) of Article II Division 5 of Chapter 26 of the La Palma City Code is amended to read in its entirety as follows:

“Refuse enclosures shall be constructed in accordance with Section 26-56 ‘Trash and Recyclable Materials Storage’ with exception to Section 26-56(c)(1)(d) setbacks from Residential Districts. To permit flexibility in the PND Zoning District, placement of refuse enclosures shall be sited and constructed to minimize any adverse impacts to adjacent residential uses.”

SECTION 6. 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 of the City of La Palma 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 7. The City Clerk shall certify to the passage of this Ordinance and cause the same to be published as required by law, and the same shall take effect thirty (30) days after adoption.

SECTION 8. City staff is hereby authorized and directed to file a CEQA Notice of Determination with respect to the adoption of this Ordinance.

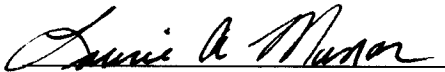
SECTION 9: The City Clerk is authorized and directed to publish this Ordinance or a summary thereof in the manner provided by law and in accordance with procedures normally taken.

APPROVED AND ADOPTED by the City Council of the City of La Palma at a regular meeting held on the 3rd day of April 2012.



G. Henry Charoen
Mayor

ATTEST:



Laurie A. Murray, CMC
City Clerk

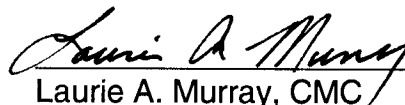
STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS.
CITY OF LA PALMA)

I, LAURIE A. MURRAY, City Clerk of the City of La Palma, California, DO HEREBY CERTIFY that the foregoing Ordinance was adopted by the City Council of said City at a regular meeting of said City Council held on the 3rd day of April 2012, and that it was so adopted by called vote as follows:

AYES: Charoen, Rodriguez, Shanahan, and Waldman

NOES: None

ABSENT: Hwangbo

A handwritten signature in cursive script, reading "Laurie A. Murray", is written over a horizontal line.

Laurie A. Murray, CMC
City Clerk