



PLANNING COMMISSION STAFF REPORT

January 10, 2019 Hearing

Case Type/Numbers:

Zone Change (PLAN-2018-0005)

Applicant:

City of La Cañada Flintridge

Project Location:

Citywide

Project Planner:

Susan Koleda, AICP
Director of Community Development

1. Request:

A request to amend Section 11.47.150 of the La Cañada Flintridge Municipal Code regulating the terms of the Design Commission.

2. Staff Recommendation:

Adopt a Resolution Recommending that the City Council adopt the Ordinance entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA CAÑADA FLINTRIDGE, CALIFORNIA, AMENDING CHAPTER 11.47.150 (DESIGN REVIEW – COMMISSION MEMBERSHIP) OF TITLE 11 (ZONING) OF THE LA CAÑADA FLINTRIDGE MUNICIPAL CODE RELATING TO THE TERMS OF THE DESIGN COMMISSION" and an exemption from the California Environmental Quality Act.

3. California Environmental Quality Act Review:

Exempt from the requirements of the California Environmental Quality Act pursuant to Section 15061(b)(3), because it has no potential for resulting in physical change to the environment, either directly or indirectly. Here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, therefore the activity is not subject to CEQA. The amendments to the La Cañada Flintridge Municipal Code (the "LCFMC") would only make changes to the term expiration for the Design Commission and would not cause a significant effect on the environment.

4. Pending and Potential Actions:

City Council review and adoption of the ordinance.

5. Staff Analysis:

A. SUMMARY AND BACKGROUND:

On September 1, 2017 the Governor of the State of California signed and approved Senate Bill No. 415 that mandated certain cities, including the City of La Cañada Flintridge (the “City”), to consolidate its general municipal election with one of two statewide general elections. On December 19, 2017, the City Council adopted Ordinance No. 465 that changed the City’s general municipal election from March of odd-numbered years to March of even-numbered years, effective in 2020.

On January 16, 2018 and in light of the change in City Council term expiration, the City Council adopted a resolution that determined that the City would be better served if the terms of the membership of the City’s several Commissions, including the Design Commission, expired in odd-numbered years because the change (i) would allow newly elected Councilmembers in March of even-numbered year to be actively involved in recruitment and appointment process in the subsequent odd-year; (ii) would allow a smooth recruitment and reduce the possibility of delaying interviews and appointments, and (ii) would minimize any potential disruption to Commission operations.

To maintain consistency, staff is proposing an amendment to La Cañada Flintridge Municipal Code Section 11.47.150(B) extending the terms of the Design Commission memberships terms to expire in odd-numbered years going forward. Currently, Section 11.47.150(B) (Design Review – Commission Membership) provides that two of the seats on the commission shall expire in June, 2000, and every fourth year thereafter, and the remaining three seats shall expire in June, 2002, and every fourth year thereafter.

B. ANALYSIS:

LCFMC Section 11.47.150(B) currently states:

“B. Members shall receive a stipend as determined by the city council. Members shall hold office as long as they meet the requirements of subsection A of this section, and shall hold office for not more than two full consecutive periods of four years each. Two of the seats shall expire in June, 2000, and every fourth year thereafter, and the remaining three seats shall expire in June, 2002, and every fourth year thereafter. Existing members of the design review board shall become design commissioners upon enactment of the ordinance codified in this chapter, and any term limitation shall not include consideration of previous service on the design review board. A random drawing shall be conducted to determine which terms shall apply to which existing members. Members shall serve until appointments are made.”

By resolution adopted on January 19, 2018, the City Council extended the terms of the current members of the Design Commission whose terms expired on May 31, 2018 and May 31, 2020, to now expire May 31, 2019 and May 31, 2021, respectively. Staff now proposes to amend the above-referenced section to adjust for this change.

As proposed, LCFMC Section 11.47.150(B) will be amended and a new subsection C will be added. The new subsection (b) and new subsection (C) shall read as follows:

“B. Members shall receive a stipend as adopted by resolution of by the City Council, which may be amended from time to time.

C. The terms of office of members shall be established and set forth by resolution of the City Council, which may be amended from time to time. Members shall serve until appointments are made.”

C. FINDINGS:

In accordance with Section 11.42.080 of the La Cañada Flintridge Municipal Code, the Planning Commission is required to make various findings. Staff recommends the adoption of the findings as follows:

A. That modified conditions warrant a revision in the zoning plan as it pertains to the area or district under consideration.

The terms of Design Commission members are set forth in Section 11.47.150 of the La Cañada Flintridge Municipal Code and are directly tied to the terms of the City Council. Because the City of La Cañada Flintridge general municipal election dates have been changed from March of odd-numbered years to March of even-numbered years, the terms of the council-members have been changed and the terms of Commission members must be adjusted accordingly. For this reason, the change in election dates warrant an amendment to Section 11.47.150 of the La Cañada Flintridge Municipal Code.

B. That a need for the proposed zone classification exists within such area or districts; and

The proposed amendment to Section 11.47.150 of the La Cañada Flintridge Municipal Code will apply City-wide. This section is necessary to govern the appointment of Design Commission members, their qualifications, terms of office, and compensation.

C. That the particular property under consideration is a proper location for said zone classification within such area or district; and

The proposed amendment to Section 11.47.150 of the La Cañada Flintridge Municipal Code will apply City-wide. This section is necessary to govern the terms of office of Design Commission members.

D. That placement of the proposed zone at such location will be in the interest of public health, safety and general welfare and in conformity with good zoning practice.

The proposed amendment to Section 11.47.150 of the La Cañada Flintridge Municipal Code will be in the best interest of the public health, safety and general welfare and in conformity with good zoning practice because it will establish the terms of office of Design Commission members as established in the Zoning Code.

D. RECOMMENDATION:

Staff recommend that the Planning Commission take the following action(s):

1. Adopt a Resolution Recommending that the City Council adopt the Ordinance entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA CAÑADA FLINTRIDGE, CALIFORNIA, AMENDING CHAPTER 11.47.150(B) (DESIGN REVIEW – COMMISSION MEMBERSHIP) OF TITLE 11 (ZONING) OF THE LA CAÑADA FLINTRIDGE MUNICIPAL CODE RELATING TO THE TERMS OF THE DESIGN COMMISSION" and an exemption from the California Environmental Quality Act.

ATTACHMENTS:

1. Proposed Resolution with Draft Ordinance

Attachment 1

RESOLUTION NO. 18 -xx

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA CAÑADA FLINTRIDGE, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE ENTITLED “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA CAÑADA FLINTRIDGE, CALIFORNIA, AMENDING SECTION 11.47.150 (DESIGN REVIEW – COMMISSION MEMBERSHIP) OF TITLE 11 (ZONING) OF THE LA CAÑADA FLINTRIDGE MUNICIPAL CODE RELATING TO THE TERMS OF THE DESIGN COMMISSION” AND RECOMMENDING THE ADOPTION OF AN EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, Title 11 of the La Cañada Flintridge Municipal Code governs and contains zoning ordinances for the City of La Cañada Flintridge (the “City”); and

WHEREAS, Section 11.47.150 of Title 11 of the LCFMC sets forth the qualifications and membership for the design commission (the “Design Commission”); and

WHEREAS, on December 19, 2017, the City Council adopted Ordinance No. 465 that changes the City’s general municipal election from March of odd-numbered years to March of even-numbered years; and

WHEREAS, on January 16, 2018, the City Council adopted a Resolution No. 18-02 (the “Resolution”) that extended the terms of members of certain commissions, including the Design Commission, to expire in odd-numbered years because the change: i) will allow newly elected Councilmembers in March of an even-numbered year, to be actively involved in the recruitment and appointment process in the subsequent odd-numbered year; ii) will also allow a smooth recruitment and reduce the possibility of delaying interviews and appointments; and iii) will minimize any potential disruption to commission operations; and

WHEREAS, the City Council now desires to make certain changes to Section 11.47.150 (Design Review – Commission Membership) of Title 11 (Zoning) of the La Cañada Flintridge Municipal Code to provide that the terms of office of design commission members shall be established and set forth by resolution of the City Council rather set forth in the Municipal Code; and

WHEREAS, these actions are due to the fact that the terms of the design commissioners will be adjusted to reflect that the City Council also changed the City of La Cañada Flintridge general municipal election from March of odd-numbered years to March of even-numbered years, which changed the terms of the council-members and their appointees on commissions.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LA CAÑADA FLINTRIDGE, CALIFORNIA, DOES RESOLVE, FIND, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The Planning Commission finds and determines that the recitals above are true and correct, and are herein incorporated by this reference.

SECTION 2. In accordance with Section 11.42.080 of the La Cañada Flintridge Municipal Code, the Planning Commission finds:

A. That modified conditions warrant a revision in the zoning plan as it pertains to the area or district under consideration.

The terms of Design Commission members are set forth in Section 11.47.150 of the La Cañada Flintridge Municipal Code and are directly tied to the terms of the City Council. Because the City of La Cañada Flintridge general municipal election dates have been changed from March of odd-numbered years to March of even-numbered years, the terms of the council-members have been changed and the terms of Commission members must be adjusted accordingly. For this reason, the change in election dates warrant an amendment to Section 11.47.150 of the La Cañada Flintridge Municipal Code.

B. That a need for the proposed zone classification exists within such area or districts; and

The proposed amendment to Section 11.47.150 of the La Cañada Flintridge Municipal Code will apply City-wide. This section is necessary to govern the appointment of Design Commission members, their qualifications, terms of office, and compensation.

C. That the particular property under consideration is a proper location for said zone classification within such area or district; and

The proposed amendment to Section 11.47.150 of the La Cañada Flintridge Municipal Code will apply City-wide. This section is necessary to govern the appointment of Design Commission members, their qualifications, terms of office, and compensation.

D. That placement of the proposed zone at such location will be in the interest of public health, safety and general welfare and in conformity with good zoning practice.

The proposed amendment to Section 11.47.150 of the La Cañada Flintridge Municipal Code will be in the best interest of the public health, safety and general welfare and in conformity with good zoning practice because it will establish the appointment of Design Commission members, their qualifications, terms of office, and

compensation. The Design Commission is tasked with specified duties as established in the Zoning Code.

SECTION 3. Pursuant to CEQA, and in light of the whole record before it, including but not limited to the City's local CEQA guidelines and thresholds of significance, any written comments received and responses provided, and other substantial evidence (within the meaning of Public Resources Code Sections 21080(e) and 21082.2) within the record and/or provided at the public hearing, the Planning Commission hereby finds and determines as follows: the proposed Code Amendment is exempt pursuant to the General Rule, Section 15061(b)(3) of the CEQA Guidelines in 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 that activity is not subject to CEQA and is not considered a project under CEQA. Here, the code amendment only affects the terms of office of Design Review commissioners and has no effect on the environment. The Director of Community Development is directed to file a Notice of Exemption for this project

SECTION 4. The Planning Commission does hereby recommend that the City Council adopt the proposed ordinance entitled "An Ordinance of the City of La Cañada Flintridge, California, Amending Section 11.47.150 (Design Review – Commission Membership) of Title 11 (Zoning) of the La Cañada Flintridge Municipal Code Relating To The Terms Of The Design Commission."

PASSED, APPROVED and ADOPTED this 10th day of January, 2019.

Chair to the Planning Commission

ATTEST:

Secretary to the Planning Commission

State of California)
County of Los Angeles) ss.
City of La Cañada Flintridge)

I, Susan Koleda, Secretary to the Planning Commission of the City of La Cañada Flintridge, California, do hereby certify that the foregoing Resolution No. 18-xx was duly adopted by the Planning Commission of the City of La Cañada Flintridge at a Regular Meeting held on the 10th day of January, 2019, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Dated: January 11, 2019

Susan Koleda
Secretary to the Planning Commission

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA CAÑADA FLINTRIDGE, CALIFORNIA, AMENDING SECTION 11.47.150 (DESIGN REVIEW – COMMISSION MEMBERSHIP) OF TITLE 11 (ZONING) OF THE LA CAÑADA FLINTRIDGE MUNICIPAL CODE RELATING TO THE TERMS OF THE DESIGN COMMISSION

WHEREAS, Title 11 of the La Cañada Flintridge Municipal Code governs and contains zoning ordinances for the City of La Cañada Flintridge (the “City”); and

WHEREAS, Section 11.47.150 of Title 11 of the LCFMC sets forth the qualifications and membership for the design commission (the “Design Commission”); and

WHEREAS, on December 19, 2017, the City Council adopted Ordinance No. 465 that changes the City’s general municipal election from March of odd-numbered years to March of even-numbered years; and

WHEREAS, on January 16, 2018, the City Council adopted a Resolution No. 18-02 (the “Resolution”) that extended the terms of members of certain commissions, including the Design Commission, to expire in odd-numbered years because the change: i) will allow newly elected Councilmembers in March of an even-numbered year, to be actively involved in the recruitment and appointment process in the subsequent odd-numbered year; ii) will also allow a smooth recruitment and reduce the possibility of delaying interviews and appointments; and iii) will minimize any potential disruption to commission operations; and

WHEREAS, the City Council now desires to make certain changes to Section 11.47.150 (Design Review – Commission Membership) of Title 11 (Zoning) of the La Cañada Flintridge Municipal Code to provide that the terms of design commission members shall be established and set forth by resolution of the City Council rather set forth in the Municipal Code; and

WHEREAS, these actions are due to the fact that the terms of the design commissioners will be adjusted to reflect that the City Council also changed the City of La Cañada Flintridge general municipal election from March of odd-numbered years to March of even-numbered years, which changed the terms of the council-members and their appointees on commissions.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LA CAÑADA FLINTRIDGE DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The above recitals are true and correct and incorporated herein by this reference.

Section 2. Section 11.47.150(B) (Design Review – Commission Membership) of Chapter 11.47 (Design Review) of Title 11 (Zoning) of the La Cañada Flintridge Municipal Code is hereby amended and shall now read as follows:

“B. Members shall receive a stipend as adopted by resolution of the City Council, which may be amended from time to time.”

Section 3. Section 11.47.150(C) (Design Review – Commission Membership) of Chapter 11.47 (Design Review) of Title 11 (Zoning) of the La Cañada Flintridge Municipal Code is hereby added and shall read as follows:

“C. The terms of office of members shall be established and set forth by resolution of the City Council, which may be amended from time to time. Members shall serve until appointments are made.”

Section 4. Pursuant to the California Environmental Quality Act (CEQA), and in light of the whole record before it, including but not limited to the City's local CEQA guidelines and thresholds of significance, any written comments received and responses provided, and other substantial evidence (within the meaning of Public Resources Code Sections 21080(e) and 21082.2) within the record and/or provided at the public hearing, the Planning Commission hereby finds and determines as follows: the proposed Code Amendment is exempt pursuant to the General Rule, Section 15061(b)(3) of the CEQA Guidelines in 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 that activity is not subject to CEQA and is not considered a project under CEQA. Here, the code amendment only affects the terms of office of Design Review commissioners and has no effect on the environment. The Director of Community Development is directed to file a Notice of Exemption for this project

Section 5. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance. The City Council hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unconstitutional.

Section 6. The City Clerk shall certify to the passage and adoption of this ordinance, and shall make a minute of the passage and adoption thereof in the records of and the proceedings of the City Council at which the same is passed and adopted.

Section 7. This ordinance shall take effect thirty (30) days after its adoption in accordance with California Government Code Section 36937. The City Clerk shall cause a summary of this ordinance to be published in accordance with Government Code Section 36933 in a newspaper of general circulation which is hereby designated for that purpose.

PASSED, APPROVED AND ADOPTED this ____ day of ____, 2019.

Teresa M. Walker
Mayor

ATTEST:

Tania Moreno
City Clerk