

ORDINANCE NO. O-2017-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLACENTIA, CALIFORNIA ADDING CHAPTER 23.61 ENTITLED "Height Overlay Districts" AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF PLACENTIA, FOR THE PROJECT AREA, FROM "C-M" AND "M" TO "C-2-H65" (Community Commercial - Height Overlay District)

City Attorney Summary

This Ordinance would add Chapter 23.61 to the City of Placentia Municipal Code creating height restrictions within the proposed C-2 project area, which is bordered by Placentia Avenue and the 57 freeway. Additionally, adopting Chapter 23.61 results in an amendment to the Official Zoning Map of the City of Placentia. Furthermore, the existing zoning districts within the project area identified as C-M and M will be modified to a C-2 zoning district.

A. Recitals.

(i). Opportunities to revitalize the project area are afforded through the future construction of the new Metrolink station adjacent to the City's town center in Old Town Placentia, including recent approvals of the TOD Packing House District and Old Town Revitalization Plan. The positive impacts attributed to the future construction of the Metrolink station and passage of two development plans provide a foundation for revitalization of the City's downtown area. Leveraging this significant asset to transform this area into an economically vibrant, multimodal area. The purpose of land use reclassification is to provide for businesses which, through characteristics of their operation, including types of goods marketed and/or services offered, cater to residents of the entire city rather than to a neighborhood area. This project area allows for various commercial retail including, hotel, supermarkets, and restaurants within the project area. The project area will have a symbiotic relationship with TOD Packing House District and Old Town Revitalization Plan project areas, thereby ensuring the economic vitality of all districts and contribute to the fiscal stability of the City of Placentia.

(ii.) The City of Placentia wishes to adopt new development standards for the "Height Overlay Districts" (H) zone for the project area. Implementation of "H" standards require

various City Council approvals including, adding Chapter 23.61 entitled "Height Overlay Districts" to the City of Placentia Municipal Code creating development standards for properties within the project area boundaries and amending the Official Zoning Map of the City of Placentia, creating Municipal Code Section 23.61 to establish the Height Overlay Districts, amending the Land Use Element of the City of Placentia General Plan, and certification of a Mitigated Negative Declaration to ensure environmental impacts of the GPA, ZC, and ZCA are mitigated to a level that is less than significant in accordance with the California Environmental Quality Act ("CEQA") and the City of Placentia Environmental Guidelines as codified in Title 14 of the California Code of Regulations ("CCR") Section 15000 et. seq., Public Resources Code Section 21000 et. seq.

(iii.) In accordance with CEQA, an Initial Study was prepared to review and consider the environmental impacts of the land use change. Based upon the Initial Study, on or about July 7, 2017, the City of Placentia, as lead agency, published a Notice of Intent to Adopt a Mitigated Negative Declaration ("MND") based on potentially significant impacts on the environment with respect to transportation/traffic. The MND incorporated mitigation measures that would bring all environmental effects of the GPA, ZC, and ZCA to a level that is less than significant.

(iv.) The Initial Study (IS) and MND were made available for twenty (20) days ("public review period") during which time the public could comment on the IS/MND in accordance with CCR Section 15073. After completion of the public review period, no comments were received on the Mitigated Negative Declaration during the public review period.

(v.) On or about August 8, 2017, the Planning Commission of the City of Placentia held a duly noticed public hearing and recommended to the City Council approval of the modifications to change the current land use designation from "Industrial" to "Commercial", change the the existing zoning from "Commercial Manufacturing" (C-M) and "Manufacturing" (M) to "Community Commercial" (C-2), including establishment of a new "Height Overlay Districts" (H), adding Chapter 23.61 entitled "Height Overlay Districts" to the City of Placentia Municipal Code creating development standards for properties within the project area, amending the official Zoning Map of the City of Placentia and Land Use Element of the General Plan, and adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the entire project.

(vi.) The City of Placentia provided notice of the City Council's public hearing in accordance with California Government Code Section 65090 and the City of Placentia Municipal Code Section 23.96.030.

(vii.) All other legal prerequisites to the adoption of this resolution have occurred.

B. Ordinance.

NOW, THEREFORE, the City Council of the City of Placentia does hereby find, determine and ordain as follows:

SECTION 1. In all respects as set forth in the Recitals, Part A, of this Ordinance.

SECTION 2. The Mitigated Negative Declaration circulated for public review contains all contents as required in CCR Section 15071. The City has complied with the requirements of CEQA and the City of Placentia Environmental Guidelines. In adopting Resolution No. R-2017-55, the City Council certified and adopted Mitigated Negative Declaration 2017-03 and adopted a Mitigation Monitoring and Reporting Program (MMRP) for the project in compliance with CEQA and the City of Placentia Environmental Guidelines.

SECTION 3. The City Council hereby amends the Official Zoning Map of the City of Placentia for the project area, maintained in accordance with the provisions of § 23.08.020 of the Placentia Municipal Code, as set forth in Exhibit "A" attached hereto and by this reference made a part hereof. The zone change for properties shown on Exhibit "A" is a change from "M" and "C-M" to "C-2(H65)".

SECTION 4. The City Council further approves an amendment to the City of Placentia Municipal Code by adding Chapter 23.61 entitled "Height Overlay Districts" as set forth in Exhibit "B".

SECTION 5. The City Council finds, in accordance with the requirements of Section 23.96.040 ("Amendments") of the Placentia Municipal Code, that the proposed amendment to the municipal code will not be detrimental to the health, safety or general welfare of the persons residing or working within the neighborhood of the proposed amendment or within the city, and that it will not be injurious to property or improvements within the neighborhood or within the city. The City Council also finds that the amendment is consistent with the latest adopted General Plan.

SECTION 5. If any section, subsection, sentence, clause, or phrase of this ordinance and/or the documents in support of this ordinance is/are for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 8. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after passage.

PASSED, APPROVED AND ADOPTED this 19th day of September, 2017.


CRAIG S. GREEN, MAYOR

ATTEST:


PATRICK J. MELIA, CITY CLERK



STATE OF CALIFORNIA
COUNTY OF ORANGE

I, Patrick J. Melia, City Clerk of the City of Placentia, do hereby certify that the foregoing Ordinance was adopted at a regular meeting of the City Council of the City of Placentia, held on the 19th day of September, 2017 by the following vote:

AYES: SHADER, SMITH, YAMAGUCHI, WANKE, GREEN
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE


PATRICK J. MELIA, CITY CLERK

APPROVED AS TO FORM:

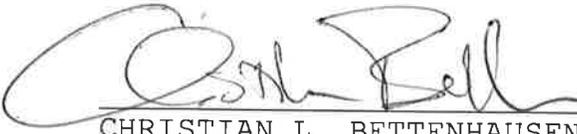

CHRISTIAN L. BETTENHAUSEN, CITY ATTORNEY

Exhibit "A"

Map of Project Area

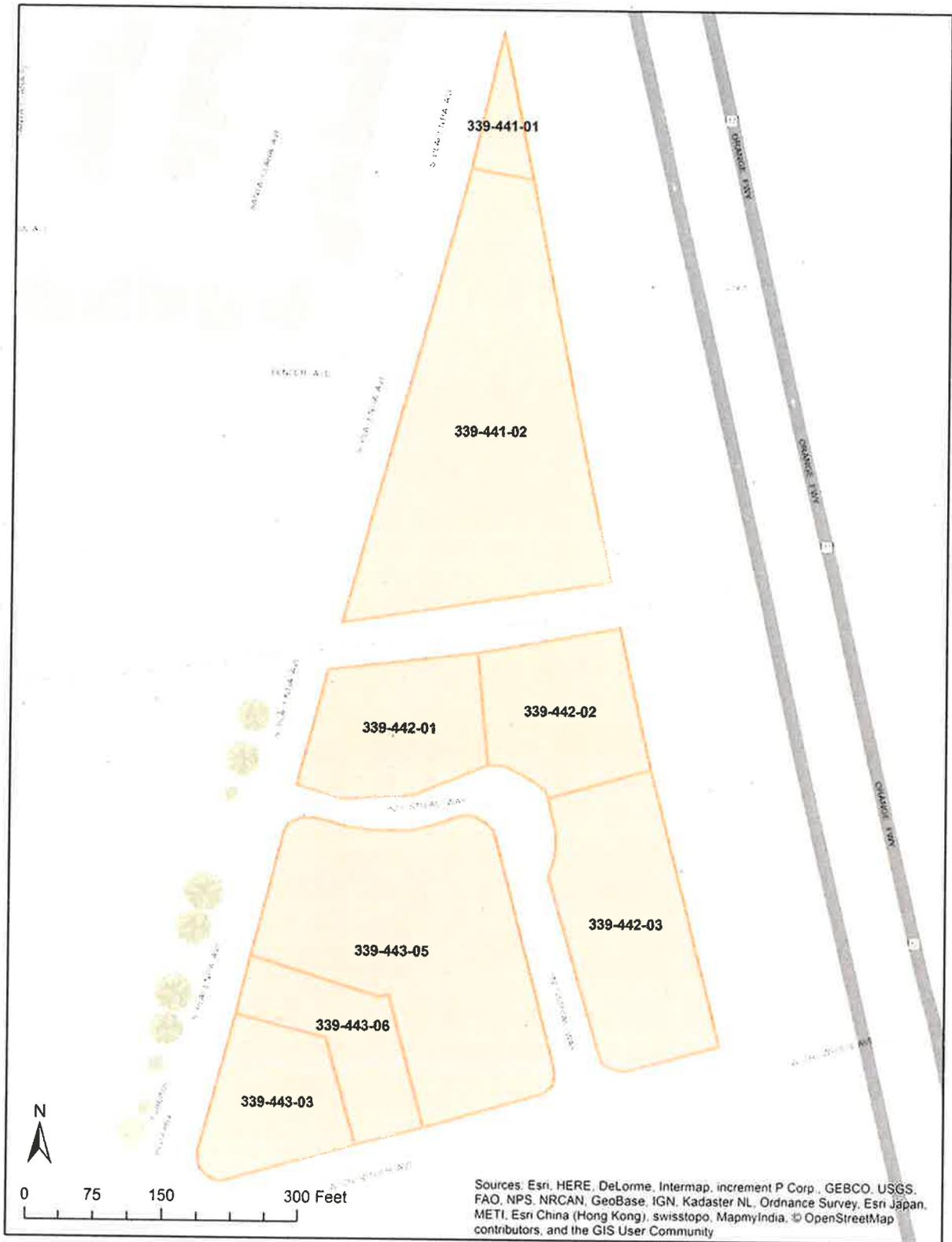


Exhibit "B"

**Height Overlay Districts
Development Standards**

Placentia Municipal Code

Chapter 23.61 Height Overlay Districts

23.61.010 Purpose.

The Height Overlay Districts (H) zone is established to preserve and promote the health, safety, and general welfare of the community, and to promote quality design consistent with General Plan policies by allowing for modifications to the building height standards established in a base zone. A building height standard may be reduced for the purpose of achieving design or public safety goals, or for avoiding possible detrimental impacts of building height or mass on neighboring properties or public right-of-way. Building height standards may also be increased to provide an incentive for mixed-use projects or to facilitate a more efficient and desirable use of land. The Height Overlay Districts zone may be applied to any zone and may be applied in conjunction with other overlay zones.

23.61.020 Application of Height Overlay Zone.

Whenever the Height Overlay Districts is established on any property, no building or structure shall be constructed on said property higher than the number of feet specified after the H on the official Zoning Map of the City, and said number of feet shall take precedence over the height requirement permitted by the underlying zone. For example, C-2-H65 indicates that the base zone of the property is C-2 (Community Commercial) and the maximum number of feet permitted for a building is 65 feet, in lieu of the 35-foot height maximum allowed within the C-2 zone.

23.61.030 Building Height Limit.

The maximum overall building height limit in the Height Overlay Districts shall be measured between the average level of the highest and lowest elevations of the land covered by the structure and the highest point of the roof or parapet wall covering that structure. Architectural and building project shall be permitted to exceed the limits of the Height Overlay, pursuant to the provisions of the underlying zone.

23.61.040 Eligibility.

The contiguous boundaries of Height Overlay Districts shall consist of a minimum of one gross acre or more.

~~23.61.050 Height Variance Prohibited~~

~~Additional building height may not be approved subject to the granting of a variance in the manner prescribed by this Title.~~