

**MINUTES
WHITTIER CITY COUNCIL
WHITTIER REDEVELOPMENT AGENCY
ADJOURNED REGULAR MEETING
CITY COUNCIL CHAMBER, 13230 PENN STREET
JULY 23, 2009**

1. CALL TO ORDER:

The Whittier City Council held an adjourned regular meeting on July 23, 2009, in Joint Session with the Whittier Redevelopment Agency. Mayor Henderson called the joint meeting to order at 6:30 p.m. in the Council Chamber of Whittier City Hall, 13230 Penn Street, Whittier, California.

2. ROLL CALL:

COUNCIL MEMBERS/AGENCY MEMBERS PRESENT: Joe Vinatieri, Council/Agency Member
Cathy Warner, Council/Agency Member
Owen Newcomer, Council/Agency Member
J. Greg Nordbak, Mayor Pro Tem/Vice Chair
Bob Henderson, Mayor/Chair

OTHER OFFICIALS PRESENT: Stephen W. Helvey, City Manager/
Executive Director
Richard D. Jones, City Attorney
Kathryn A. Marshall, City Clerk-Treasurer/
Secretary/Treasurer

3. PLEDGE OF ALLEGIANCE:

Council Member Newcomer led the pledge of allegiance to the United States flag.

ANNOUNCEMENT:

Mayor Henderson announced the City Council was seeking applicants for an opening on the Planning Commission.

4. ORAL COMMUNICATIONS:

Ralph Marsico, Whittier, spoke regarding being evicted from a rental house in the City and asked the City to take responsibility for its part in the proceedings.

Lou Smaldino, 13605 Whittier Boulevard, Whittier, said his property is in the Whittier Boulevard Specific Plan Auto Zone and should be in the Shopping Center zone

because it is across the street from the Quad; requested the City Council modify the zone on his property to eliminate the retail use only restriction; and asked them to act quickly in light of the state of the economy.

Joe Marsico, Whittier, displayed newspaper articles regarding his trolley car proposal and political eviction. He referenced documents relating to bidding, stating the bid summaries reflected accurate information in one case and another was false which lead to a fixed bid. He submitted copies of the documents to the City Council.

George Poochigian, Whittier, requested the City provide discounted fees to disabled veterans, specifically for recreation programs; said the Library is not providing videotapes of complete Council meetings in timely manner; and opposed Council Members responding to public comments made during Oral Communications.

5. RECESS REDEVELOPMENT AGENCY MEETING:

Mayor Henderson recessed the Redevelopment Agency meeting at 6:45 p.m.

6.A WHITTIER BOULEVARD SPECIFIC PLAN REVISIONS:

Community Development Director Collier recommended the City Council provide staff with direction 1) regarding the scope of revisions to be included in the Whittier Boulevard Specific Plan (Plan) amendment process; and 2) on the public process; and authorize staff to retain consultants to process the Plan revisions and prepare the necessary environmental review document.

Council Member Warner confirmed with City Attorney Jones that she did not have a conflict of interest preventing her from discussing the proposed Plan amendments because of the broad nature of the Plan's application; however, if discussion focused on a specific location near her property, she could abstain from the discussion. She reported that she owns business properties on Colima Road and on La Entrada Avenue, both north of Whittier Boulevard.

The City Council discussed with staff and the City Attorney the extent to which the Plan could be amended without invoking California Environment Quality Act (CEQA) review which will delay the amendment process and implementation of the revisions. The City Council determined to undertake consideration of amendments.

The City Council discussed proposed revisions to the Plan and made the following determinations.

Land Use Changes

I. Minor Amendments

- a. Smaldino property – This site was mis-designated as Auto Segment rather than Shopping District. Evaluate the impact of office space for this location. Unanimous Council support.
- b. Revise Shopping Cluster 1 between Five Points and Painter Avenue to allow automotive-related uses (w/ CUP) (west of Comstock Avenue). Unanimous Council support.
- c. Address issue of smoking/hookah lounges by referencing Whittier Municipal Code (WMC) [draft ordinance in process]. Unanimous Council support.
- d. Reference regulations for alcohol sales, live entertainment, and dancing by referencing WMC (draft ordinance in process). Unanimous Council support.

II. Major Amendments

- a. Southeast corner of Scott Avenue/Whittier Boulevard – the properties between Whittwood Town Center and Scott Avenuwere inadvertently omitted from the Specific Plan and retain commercial zoning under the Municipal Code. It was previously decided that these properties should be part of Shopping Cluster 2. Unanimous Council support.
- b. Whittier Boulevard/Colima Road
 - i. Extend Shopping Cluster 2 to Mills Avenue
 - ii. Include the office building west of Ralphs on the north side of Whittier Boulevard as part of the Plan – Shopping Cluster 2
 - iii. Preserve the current designation for Whittier Hospital

Unanimous Council support.

- c. Rewrite the “Auto Sales/Commercial Expansion District” portion of the plan to provide greater flexibility given change in auto industry. Consider potential for areas of commercial uses, areas for mixed use, and areas for residential use. Unanimous Council support.
- d. Work Place District limits on housing – establish a cap on amount of housing as appropriate. Council consensus with Council Member Newcomer opposed.

- e. Add the Zieman site (Southeast corner of Mar Vista Street and Whittier Boulevard) to the boundaries of the Work Place District. Unanimous Council support.
- f. Intersection of Whittier Boulevard/First Avenue – Consider adding another shopping cluster (Shopping Cluster 3) as there is already a heavy concentration of commercial uses at this location. Council Members Warner and Vinatieri supported the item, Mayor Pro Tem Nordbak and Mayor Henderson supported considering it while expressing concern with how far east the change goes; Council Member Newcomer was opposed.
- g. Consider revisions within the Work Place District to accommodate mixed use transit oriented development in the event the Gold Line Extension, Phase 2 is approved to extend to Whittier. Also evaluate retail in the Work Place District. Unanimous Council support.

Revisions to Land Use Standards

I. Minor Amendments

- a. Allow parking in front of buildings (Shopping Cluster 1 & 2). Unanimous Council support to study it.
- b. Allow buildings of less than 5,000 sq. ft. (Gateway District) to address small lot constraints – concerns raised by Jerry King (Southwest corner of Sorensen Avenue/Whittier Boulevard). Council consensus with Council Member Newcomer opposed.
- c. Allow a reduction in the width of landscape planters around parking from 10' to 5' adjacent to residential uses. (All Districts) – All districts have a conflict that call for a 5' landscape perimeter abutting property lines then calls for a 10' landscape buffer adjacent to residential properties. Council consensus with Council Member Newcomer opposed.
- d. Revise current language: “A single continuous segment of façade should be a maximum of 120 feet long.”, (W.B.S.P. 5.3.1 (c) (2)), to “A single continuous segment of façade should be a maximum of 120 feet long, *unless the building façade facing the street and any parking areas is broken up at regular intervals with protruding or recessing architectural features to provide depth and architectural interest.*” Unanimous Council support.

- e. Revise current language: "Pedestrian walkways must be decorative and connect all building entrances directly to the public sidewalk. They must be at least eight feet wide, except where applicable safety standards require portions with greater width.", (W.B.S.P. 5.2.3 (d) (1)) to "Pedestrian walkways must be decorative and connect *at least one* building entrance directly to the public sidewalk. *All pedestrian walkways* must be at least **six** feet wide, except where applicable safety standards require portions with greater width." Council consensus to study it with Council Member Newcomer supporting the change to a single entrance requirement while retaining the eight foot wide walkway.
- f. Revise current language: "New parking lots must not exceed a maximum area of one acre. Where uses require larger parking areas, parking lots must be subdivided into modules of no greater than 40,000 square feet; each module must be separated by landscaping and other features.", (W.B.S.P. 5.2.7 (3) (i)), to "*There shall be no singular parking field greater than one acre (43,560 s.f.) in size unless subdivided into distinctive parking modules of no greater than one acre (43,560 s.f.). On-site vehicular drive aisle(s) designed for primary ingress and egress around the property shall separate all parking modules. Each module should also be differentiated by distinctive landscaping and other design features.*" Unanimous Council support.
- g. Revise current language: "Surface parking areas must be planted with 36-inch box shade trees within six foot wide landscape fingers at a ratio of at least one tree for every five spaces in an "orchard" planting arrangement.", (W.B.S.P. 5.2.7 (3) (iii)), to "Surface parking areas must be planted with 36-inch box shade trees within six foot wide landscape fingers *or diamonds* at a ratio of at least one tree for every *ten* spaces in an "orchard" planting arrangement." Council requested a memo and drawings explaining the impact on trees and shade from the proposed change.

Mayor Henderson declared a recess at 8:23 p.m. At 8:41 p.m., he reconvened the meeting and resumed deliberations on the Whittier Boulevard Specific Plan proposed revisions.

- h. Revise current language: "Pedestrian access must be provided between transit stops and building entrances. Transit shelters must be provided at all transit stops as specified by the Director of Public Works.", (W.B.S.P. 5.2.3 (e) (1), to "Pedestrian access must be provided between transit stops *and at least one public building entrance for each on-site building tenant.* Transit shelters must be provided at all transit stops as specified by the Director of Public Works." Unanimous Council support.

- i. Revise current language: “New development must include the provision of publicly accessible open space in the form of parks, greens, squares, plazas or widened sidewalk for public use.”, (W.B.S.P.5.2.3 (f) (1)), to “New development must include the provision of at least 1,000 square feet of publicly accessible gathering/open space in the form of a plaza, square etc. along the front of a single building or within a highly visible and easily accessible area between multiple buildings on the same property if the on-site development consists of more than 40,000 square feet of total building floor area or a minimum of three on-site tenants.” Unanimous Council support.
- j. Delete current language: “A minimum of 50 square feet of usable open space for every 1000 square feet of office space constructed shall be provided. (W.B.S.P. 5.2.3 (f) (4))”. The City Council requested staff return with a proposed cap for maximum square footage.
- k. Revise current language: “The minimum dimension for usable public accessible open space in any single direction is 12 feet.”, (W.B.S.P. 5.2.3 (f) (8)), to “The minimum dimension for *all required* usable public gathering/open space in any single direction is *10 feet*.” Unanimous Council support.
- l. Revise current language: “All open spaces provided to satisfy this provision shall be publicly accessible in perpetuity during daylight hours, and shall be designed to connect with public rights-of-way and adjacent to public open spaces in the vicinity.”, (W.B.S.P. 5.2.3 (f) (10)), to “All *public gathering*/open space provided to satisfy this provision shall be publicly *identified and* accessible in perpetuity *during daylight hours*.” Unanimous Council support.
- m. Delete current language: “Public sidewalks, plazas, entries and gateways must incorporate public art in a manner consistent with the overall architectural theme of the project. Public art must illustrate local, state, or national historical figures, places or events through the appropriate media, such as interpretive landscapes, murals, mosaics, sculptures, and artful architectural features integrated into the project design. Note: This Public Art requirement is in addition to any public art requirements established in the City of Whittier Public Places ordinance. (W.B.S.P. 5.2.3 (g)(1))”. Unanimous Council support.
- n. Revise current language: “Adjacent to residential areas, attractive screen fencing or walls must be provided along the property line(s) to screen buildings, service areas, and parking areas. A continuous 10 foot wide planting area must be established adjacent to the outside face of the fence or wall with trees at a minimum spacing of 20 feet on center.”, (W.B.S.P. 5.2.3 (i)(3)), to “Adjacent to residential areas, attractive screen fencing or walls must be provided along the property line(s) to screen buildings, service areas, and parking areas. A 10-foot planting area must be established adjacent to the *inside* face of the fence or wall with trees at a minimum spacing of 20 feet on center. *Alternatively, a decorative*

8-foot high screen wall may be constructed with a five-foot wide landscape planter inside the face of the wall with trees (36-inch box minimum size) planted at least 25 to 30 feet on center with a combination of 15 and 5 gallon shrubs planted between trees.” Unanimous Council support if it pertains to back yards, further study requested if it pertains to side yards.

- o. Proposed Language Addition (Add Section 1.10 to Chapter IV under 1 (Applicability): *“Any building located within the Whittier Boulevard Specific Plan that is officially deemed eligible by the City of Whittier or the State of California or is listed on the Local, State or National Register of Historic Places or is an official contributing resource within a designated historic district may, for historic preservation and adoptive re-use purposes only, be permitted any land-use to be contained within the historic building/structure subject to the prior review and approval of a Conditional Use Permit by the Planning Commission if it is determined that the land use will: 1) be compatible and not adversely impact the surrounding land uses; 2) be a good adoptive re-use of the building for economic development purposes; 3) will not adversely impact the historical features of the interior and exterior of the building nor adversely affect the historic setting of the building on the property based on the recommendations of the Historic Resources Commission; 5) will not result in the building being potentially at risk for removal from any Local, State or National Register of Historic Places or eliminate its eligibility for such inclusion in the future (if not already listed), in the opinion of the Historic Resources Commission; and, 6) will follow all applicable provisions of the Secretary of the Interior’s Standards for all interior and exterior work on the building/structure in the opinion of the Historic Resources Commission. Any land use approval given under this section shall not be construed in any way as setting a precedent for other land-uses to be located within a particular district of the Specific Plan that is otherwise not permitted.”* Unanimous Council support.

Public Improvement Plans

I. Minor Revisions

- a. Revise Whittier Boulevard street cross section drawings to reflect actual physical limitations per direction from the City Council Subcommittee.
- i. Provide flexibility for sidewalk widths in tight areas by providing flexibility at discretion of the Public Works Director
 - ii. Revise landscape plant materials to reflect limitations set by Caltrans

Unanimous Council support.

Administration of Plan

I. Minor Revisions

- a. Provide policy direction on allowing remodel/expansion of non-conforming uses (i.e., commercial uses in the Neighborhood Spine, etc.) similar to Uptown Whittier Specific Plan. Unanimous Council support.
- b. Revise "Director interpretation" provisions to provide greater clarity. There is the potential for very liberal use of interpretations to allow various uses without providing direction on the intent of such flexibility. Unanimous Council support.

The City Council authorized staff to pursue selection of consultants for Plan revision work and preparation of the environment document; and concurred the Plan amendment review process should engage property owners, tenants, residents, and developers.

Mayor Henderson directed staff to bring back additional information on the items noted during the City Council's discussion.

7. RECONVENE REDEVELOPMENT AGENCY IN JOINT SESSION WITH CITY COUNCIL:

Mayor Henderson reconvened the Redevelopment Agency meeting in joint session with the City Council at 8:56 p.m.

8. COUNCIL/AGENCY MEMBER COMMENTS/CONFERENCE REPORTS:

Council Member Vinatieri reported attending a League of California Cities Revenue and Taxation Committee meeting to discuss the State budget and other California revenue and tax issues.

9. CITY COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION:

City Manager Helvey recommended a Closed Session be held pursuant to:

- A. City Council/Redevelopment Agency – Government Code Section 54956.8 to discuss real property negotiations with property owners listed regarding price and terms of payment; City/Agency negotiator: Stephen Helvey:
 1. L and P Property Management Company – Assessor Parcel Nos. (APN) 8170-026-009; 8170-026-010; 8170-026-011; and 8170-026-012;
 2. Paul Weil Whittier Properties – APN 8170-026-004

3. Mark Fels, Trustee, Fels Family Trust and Ronald Skale, Trustee Skale Trust – APN 8170-026-006;
 4. State of California – APN 8170-013-904;
 5. Southern Pacific Transportation Co. SBE 872 19 254E PAR – APN 8170-013-815 and 8170-013-816; and
 6. NWM Corporation – APN 8170-028-013
- B. City Council – Government Code Section 54957.6 to discuss labor negotiations between negotiator Stephen Helvey, and the Whittier City Employees' Association and unrepresented employees.

Mayor Henderson adjourned the joint meeting to Closed Session at 9:04 p.m. at which time City Attorney Jones left the meeting.

10. RECONVENE IN OPEN SESSION:

Mayor Henderson reconvened the joint meeting in Open Session at 9:40 p.m.

11. CLOSED SESSION REPORT:

None.

12. ADJOURNMENT:

Mayor Henderson adjourned the joint meeting at 9:40 p.m.

Respectfully submitted,

Kathryn A. Marshall
City Clerk-Treasurer/
Secretary-Treasurer