

**MINUTES OF THE REGULAR MEETING
OF THE PLANNING COMMISSION
OF THE CITY OF LA MIRADA**

APRIL 21, 2022

CALL TO ORDER

The meeting of the Planning Commission was called to order by Chairman Michael Saenz at 6:30 p.m. in the City Council Chambers at City Hall, 13700 La Mirada Boulevard, La Mirada, California.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Present:

Chairman Michael Saenz
Vice Chairman Richard Cline
Commissioner Philip Massey
Commissioner Jack Miranda
Commissioner Lee Olsen

Staff:

Gabriel Bautista, Community Development Director
Eric Garcia, Senior Planner
Arturo Cervantes, Associate Planner
Yolanda Recio, Secretary
D. Craig Fox, City Attorney

APPROVAL OF MINUTES

1. MINUTES OF THE REGULAR MEETING OF MARCH 17, 2022

Commissioner Massey moved, and Vice Chairman Cline seconded to approve the minutes of the March 17, 2022 Planning Commission meeting.

MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

**AYES: Chairman Saenz, Vice Chairman Cline, Commissioner Massey,
Commissioner Miranda, Commissioner Olsen**
NOES: None
ABSENT: None
ABSTAIN: None

PUBLIC HEARING

2. ZONING ORDINANCE AMENDMENT (ZOA) NO. 53: Planning Commission consideration of Resolution No. P-03-22 recommending to the City Council the adoption of Zoning Ordinance Amendment (ZOA) No. 53 amending the Drive-

through Facility Standards in Title 21, Subsection 21.20.055, of the La Mirada Municipal Code and in Subsection 5.6.2 of the Imperial Highway Specific Plan.

Chairman Saenz introduced the item and requested staff's report.

Gabriel Bautista, Community Development Director, introduced Associate Planner Arturo Cervantes and stated that he would be presenting the first item.

Associate Planner Arturo Cervantes reviewed the staff report for the Zoning Ordinance Amendment No. 53 via a PowerPoint presentation. He stated the application was filed by Rich Development, doing business as 12251 La Mirada, LLC. He stated that the applicant is requesting to modify the City's Zoning Code relating to Drive-Through Facilities; specifically, Title 21, subsection 21.20.055 of the La Mirada Municipal Code (LMMC) and subsection 5.6.2 of the Imperial Highway Specific Plan (IHSP). He also stated that the request also includes affirmation of an environmental finding pursuant to Section 15061(b)(3) of the CEQA guidelines.

Mr. Cervantes stated that the drive-through guidelines were added to the City's Municipal Code through an amendment in 2008. He stated that a new section titled "Drive-Through Facility Standards" was added, which detailed a series of guidelines for new drive-through facilities. He added that later, with the implementation of the Imperial Highway Specific Plan, additional guidelines were added for properties specifically within the Specific Plan area. He indicated that all new businesses that propose a drive-through are required to process a Conditional Use Permit (CUP) application to address potential impacts and ensure compliance with the drive-through guidelines and regulations.

Mr. Cervantes stated that the purpose of establishing drive-through standards and requiring a CUP is to provide guidance to applicants, business owners and designers who seek to operate a business with a drive-through and to address potential impacts to the community. He also stated that the guidelines also intend to encourage and incentivize development, while maintaining a high design quality. He stated that the guidelines identify the minimum queuing spaces; drive aisle width and turn radii; menu board size and orientation; location for the drive-through aisle; consistent architectural themes; trash enclosures; and other criteria. He also stated that these items are also mirrored in the Imperial Highway Specific Plan, although stated in a slightly different manner.

Mr. Cervantes indicated that the City was contacted by a developer proposing to redevelop the site located at 14861 Imperial Highway. He stated that the developer seeks to develop two new fast food restaurants with drive-through aisles. He added that the developer has found it difficult to design the site in a manner that would accommodate both restaurants with drive-throughs while complying with the City's drive-through standards; specifically, the requirement that does not allow the drive-through aisle to be located between the building and public street. He further stated that the developer is proposing a Zoning Code amendment to modify the existing standards to allow for drive-through aisles, including menu/ordering boxes and pick-up windows to be located

between the structure and the public streets. He stated that this would allow development of the restaurants with the drive-through aisles located adjacent to the arterial streets. He also stated that modifications to the existing code would also provide more flexibility for the development of future drive-throughs within the City. Mr. Cervantes added that the proposed amendments would not modify the applicable noise, light, and glare requirements.

Mr. Cervantes indicated that the proposed amendment was presented to the City Council during a Study Session meeting and that the Council was supportive of providing more flexibility in the design of future drive-through aisles. He further stated that as part of the amendment, staff has included additional language that would allow for this flexibility to apply to all eligible sites within the City, while continuing to ensure that impacts are mitigated.

Mr. Cervantes stated that the Zoning Code amendment will remove from both the LMMC and IHSP the requirement that prohibits the location of drive-through aisles between the structure and public street. He stated that in order to reduce potential visual and noise impacts, staff has included language that would require three-foot (3'-0") high block walls and landscaping along drive-through aisles that are adjacent to a public right-of-way. He stated that in instances where nearby residential may be impacted by the glare of headlights from vehicles in the drive-through aisles, that the block wall height would increase to four-feet (4'-0").

Mr. Cervantes further stated that new drive-through facilities will need to be designed to accommodate for on-site queuing to prevent overflow vehicles from stacking and impacting adjacent sidewalks or streets. He stated that a supplemental vehicle queuing analysis/study could be required on a case-by-case basis as part of future drive-through aisle proposals to determine if the minimum stacking/queuing requirement should be increased. He also stated that further changes to both the LMMC and IHSP have been included with the goal of streamlining the code section and providing clearer and centralized information for developers seeking to construct facilities with drive-through aisles.

Mr. Cervantes stated that staff has determined that the proposed action is exempt from the California Environmental Quality Act (CEQA) in accordance with the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. He stated that 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, the activity is not subject to CEQA per (State CEQA Guidelines Section 15061(b) (3)).

Mr. Cervantes stated that considering the analysis and findings made for the proposed amendments and the information presented in staff's report and presentation, it is recommended that the Planning Commission of the City of La Mirada conduct a public hearing; consider all public testimony regarding the proposed Zoning Ordinance Amendment No. 53; affirm the CEQA Exemptions; and adopt Resolution P-03-22

recommending to the City Council the adoption of Zoning Ordinance Amendment No. 53 amending Section 21.20.055 "Drive-through facility standards" of the LMMC and Subsection 5.6.2 "Drive-through businesses" of the IHSP.

Mr. Cervantes concluded his presentation and stated that the applicant was not able to attend tonight's meeting, but that staff would be able to answer questions.

Chairman Saenz opened the public hearing.

There being no one in attendance to speak in support or opposition to the project, Chairman Saenz closed the public hearing and opened the item for discussion.

Commissioner Olsen asked why lower the standards for the City for one project that is in a unique situation with three streets that surround the property. He stated that he had a conversation with Mr. Bautista and suggested that instead of changing the Zoning Code, we could give them a Variance. He stated that he was advised by Mr. Bautista that this is not warranted for a Variance which apply to certain standards, so the only remedy was to change the code. He requested of Mr. Bautista a briefing on what a Variance is and what it could be used for and what it cannot so that they all understand it.

Mr. Bautista asked the City Attorney, D. Craig Fox, to respond.

Mr. Fox responded and stated that variances are an extraordinary remedy not to be used casually because of the precedential nature that they set. Basically, state law says that you can grant a variance when there are unique circumstances applicable to a parcel of property that deny the property owner the rights and benefits to use the property that other similarly situated property owners would have.

Commissioner Olsen stated this is what we have in this particular case.

Mr. Fox responded and stated that this may or may not be the case. He added that there is nothing particularly unique about the site from what he gathered; other than being bordered on three sides by streets. He stated that this is not necessarily the kind of situation that the variance law contemplates and cited an example in which it would apply.

Commissioner Massey asked if we have a schematic as to what this would look like as he hasn't heard what it means to have a drive-through that is next to streets in question. If we look at the Starbucks on Imperial Highway and La Mirada Boulevard, would that constitute a drive-through that is next to the street.

Mr. Cervantes responded and stated that the drive-through aisle at the Starbucks cited does not run adjacent to the street but rather on the interior of the site. He added that better examples are the drive-through aisles for Wendy's and Taco Bell on La Mirada Boulevard within the Theatre Center. He stated that these drive-throughs are directly adjacent to La Mirada Boulevard and that based on their existing layout, they do not

comply with the current development standards in effect.

Commissioner Massey asked if you have the entrance point from Hutchins Avenue, could you do something like having a centralized two-lane drive-through that would then branch off into the separate drive-throughs for each establishment side by side.

Mr. Bautista responded and explained that the site could be redesigned to comply with the current code; however, the developer asserts that the desired size of the proposed restaurants cannot be accommodated with this particular code requirement.

Commissioner Massey asked if we knew who these tenants would be.

Mr. Bautista responded and stated that we know the name of one tenant but cannot disclose it as it is not a finalized lease.

Mr. Bautista added that while we can sit down and redesign the site layout so that it complies with the current code requirements, the developer claims that they cannot meet the future tenants minimum size requirements, which is why they are requesting the zoning code amendment.

Commissioner Massey asked what traffic impact studies have been done on this.

Mr. Cervantes responded and stated that no traffic study was completed for the project, but that staff will be asking for a traffic study proposal when the applicant submits the CUP and Certificate of Compatibility (COC) applications for the new restaurants with drive-through aisles. He also stated that the traffic study as well as the queuing study will be provided to the commissioners for review when the applications are processed.

Commissioner Massey stated that he noticed that there is not anyone here from the affected residences of the nearby streets.

Mr. Bautista responded and stated that for this particular item, since it is a zoning ordinance amendment that affects all properties within the City's commercial zones, staff did not send out mailers but instead published an eight-page Public Hearing Notice in the La Mirada Lamplighter for the proposed code amended. He added that when the actual development of the site with the drive-through facilities is considered at a public hearing, staff will mail a detailed notice of the public hearing to all property owners within a 300-foot radius of that site. He further added that the proposed code amendment is the first step in a two-step process for development of restaurants with drive-throughs on this site.

Commissioner Massey stated that his only concern would be with having too many fast, casual burger restaurants in the area since we already have three: McDonalds, The Habit, and Burger King.

Mr. Bautista responded and stated that he can confirm that it is not a typical hamburger restaurant.

Vice Chairman Cline asked if a three-foot wall would be enough to screen the potential glare from the headlights of vehicles in the drive-through aisle.

Mr. Cervantes responded and stated that when there is potential impact on adjacent residential uses, staff can ask for a four-foot-high block wall. He added that the landscaping would also be taller be on the street side and that the typical SUV would have a headlight height of approximately 46" to 48" above the ground.

Vice Chairman Cline asked about the headlight glare impact from vehicles in the drive-through aisle on vehicles traveling on the street.

Mr. Bautista responded and stated that the impact would be similar to that of oncoming traffic driving on the opposite side of the street.

Mr. Cervantes also responded and stated that there is a balance between a tall wall to screen headlight glare of vehicles in the drive-through aisle and a tall wall that creates other issues.

Mr. Bautista added issues like safety, homeless encampments, et cetera.

Commissioner Miranda thanked the commissioners for their inquiries and felt that they were very beneficial responses. He noted that the date where the council had been briefed on the possibility of the zone change was January 11, 2022. He also asked why it took so long to process, or if this was normal processing time.

Mr. Bautista responded and stated that staff was helping the applicant by processing the application in advance of the applicant paying the required fees. He added that staff has been moving faster through the process than the applicant has been able to provide payment and that a lot of the delays seen in the processing of application is not a result of staff's failure to move forward, but rather a result of the applicant's failure to provide the information required to move forward with applications. He added that this particular applicant called the day of the hearing with questions on the item, despite having been provided the information over a month ago. He also added that the City has moved forward with the request without payment of the application fees because the City is trying to be business-friendly and because the City is interested in seeing the site redeveloped.

Commissioner Miranda thanked Mr. Bautista and asked if the developer, Rich Development is also the owner in this case.

Mr. Cervantes responded and stated that they are the owners.

Commissioner Miranda added that this site is an important eastbound entrance to our City and that this is the first thing you see when you come into La Mirada from Imperial Highway. He also added that he is glad that this is moving forward and stated that he would like to see a visual as to how this development is going to look.

Chairman Saenz asked if there have been many other similar requests for zoning code amendments, not only in the area but the City as a whole.

Mr. Bautista responded and stated that staff has received similar requests from other developers seeking to develop drive-through facilities, and they have eventually been able to work with the current standards. He added that when staff initially reviews projects, we provide developers the applicable drive-through standards, and they usually question why the drive-through aisle cannot be located adjacent to the street and are advised of the City's concerns. He added that previous developers have been able to work with the standards, but that the current developer has stated they cannot make it work given the size of the two restaurants they are seeking to construct.

Chairman Saenz said that it seems that applicants are becoming more demanding.

Mr. Bautista stated that in moving forward with their proposed amendment to the code, we have also tried to improve other areas so that drive-through restaurants anticipated to require more queuing than the code requires may now be required to provide a queuing analysis. He also stated that the zone change will amend a few other requirements including design criteria to minimize the aesthetic impact from drive-throughs located directly adjacent to the street.

Commissioner Olsen stated that there should still be special attention given to where entrances are located so that drive-through aisles do not affect paths of travel.

Mr. Bautista responded and stated that language has been added requiring that drive-through entrances be situated in a way that does not impact on-site circulation and more importantly off-site circulation.

Commissioner Olsen stated that he was talking about pedestrian traffic.

Mr. Bautista responded and stated that pedestrian paths of travel will be required to be well-defined.

Commissioner Massey asked which of the three streets would provide vehicle entry points.

Mr. Cervantes responded and stated that site access would be from Imperial Highway and Telegraph Road.

Commissioner Massey asked if there would be two.

Mr. Bautista responded and stated there will be two. He also stated that we would not see the actual final design until they move forward with the development of the two restaurants.

Chairman Saenz said that this zoning change would not only affect this property but others as well.

Mr. Bautista responded and stated that there are a couple of other drive-through establishments that are being worked on that will benefit from this particular code amendment.

There being no further discussion, Chairman Saenz closed the item for discussion and requested a motion on the item.

Commissioner Olsen moved, and Commissioner Miranda seconded to affirm the CEQA Exemption and adopt Resolution No. P-03-22 recommending to the City Council the adoption of Zoning Ordinance Amendment No. 53, amending Subsection 21.20.55 “Drive-through facility standards” of the La Mirada Municipal Code and Subsection 5.6.2 “Drive-through businesses” of the Imperial Highway Specific Plan.

MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

AYES: Chairman Saenz, Vice Chairman Cline, Commissioner Massey,
Commissioner Miranda, Commissioner Olsen
NOES: None
ABSENT: None
ABSTAIN: None

PUBLIC COMMENT PERIOD

No one spoke.

COMMISSION ANNOUNCEMENTS

Commissioner Miranda stated that on Saturday, April 23, 2022, there will be a three-wall handball tournament at La Mirada Regional Park. He also stated that on April 28, 2022, there will be a forum for the new Assembly District 64. He added that the City will no longer be represented by District 57 under Lisa Calderon. He reiterated that the meeting for District 64 will be at the Holiday Inn at 6 p.m. and that it will be hosted by La Habra and La Mirada Chambers of Commerce.

Commissioner Olsen asked if this was a district change.

Commissioner Miranda replied that it was and that the district is going to be new stretched all the way to Cudahy. He further added that this will be a forum and there will be quite a few candidates.

Commissioner Olsen asked if he knew when the change of district takes effect.

Commissioner Miranda stated upon the election in June. He also stated that on April 29, 2022, at the Holiday Inn at 7 a.m. they will have the La Mirada Mayor's Prayer Breakfast and on May 5, 2022 the National Day Prayer will be held from 12 p.m. to 12:45 p.m. at La Mirada City Hall near the flag pole and he invited all staff and residents to join. He also noted that it is an interfaith event so all faiths are welcomed.

Vice Chairman Cline noted that he attended the Easter Egg Hunt this year.

Commissioner Massey thanked those who attended his father's 80th birthday recognition and asked if there was a candidate that will be selected for the City Council.

Commissioner Miranda replied that there was a pending election and that there was a candidate forum scheduled for May 5, 2022 at the Activity Center. He added that there are three candidates for District 2 and that the candidates are Andrew Sarega, David Constantine and Chris Pflanzner.

Commissioner Massey asked if there was a candidate opposing Councilman John Lewis in District 1.

Commissioner Olsen replied that Councilman Lewis was unopposed and that he had already been appointed to the post.

STAFF ANNOUNCEMENT

Mr. Bautista reminded the commission about the required ethics training certificates that need to be submitted to Leticia Revilla, Assistant City Clerk. He also announced that today was the last day for Abraham Luna, Planning Technician who was moving on to a full-time position with a consulting firm.


Mr. Bautista stated for clarification purposes that at the previous meeting he stated that the Farmers Market would be held on the first Saturday of every month which is incorrect; the Farmers Market is held every Saturday; however, the first Saturday of the month is when they will have live music.

Mr. Bautista also stated that staff did not currently have any items for the next meeting.

ADJOURNMENT

There being no further business to come before the Planning Commission, Chairman Saenz adjourned the meeting at 7:04 p.m. to the next regular meeting to be held on Thursday, May 19, 2022.

Submitted:



Yolanda Recio, Secretary

Attest:



Richard Cline, Chairman