

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

NOVEMBER 17, 2022

CALL TO ORDER

The meeting of the Planning Commission was called to order by Chairman Richard Cline 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 Richard Cline
Vice Chairman Philip Massey
Commissioner David Michael Morfin
Commissioner Lee Olsen
Commissioner Michael Saenz

Staff:

Eric Garcia, Senior Planner
Arturo Cervantes, Associate Planner
Noah Cisneros, Planning Technician
Leticia Revilla, Assistant City Clerk
D. Craig Fox, City Attorney

APPROVAL OF MINUTES

1. MINUTES OF THE REGULAR MEETING OF OCTOBER 20, 2022

Vice Chairman Massey moved, and Commissioner Olsen seconded to approve the minutes of the October 20, 2022, Planning Commission meeting.

MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

AYES: Chairman Cline, Vice Chairman Massey, Commissioner Olsen

NOES: None

ABSENT: None

ABSTAIN: Commissioner Morfin, Commissioner Saenz

PUBLIC HEARING

2. ZONING ORDINANCE AMENDMENT (ZOA) NO. 54: Planning Commission consideration of Resolution No. P-08-22 denying a request to make the

following amendments to Title 21, Zoning Ordinance, of the La Mirada Municipal Code (LMMC):

- **Amend Table 21.20.020, “Permitted Uses in Commercial Zoning Districts,” by adding “Sustainable Commercial Center” (SCC) to the list of principally permitted uses within the General Commercial (C-4) Zoning District;**
- **Amend Table 21.20.020, “Permitted Uses in Commercial Zoning Districts,” by adding Footnote 13 to allow “Automated Vehicle Washing Facilities” (AVWF) as a permitted accessory use within a SCC without obtaining a Conditional Use Permit (CUP);**
- **Amend Section 21.20.055, “Drive-through facility standards,” exempting AVWF from obtaining a CUP when established as an accessory use within a SCC;**
- **Amend Subsection 21.20.055(6) by adding a vehicle queuing requirement of four (4) spaces at tunnel entrance for an AVWF;**
- **Amend Footnote 7 of Table 21.68.050, “Off-street Parking Requirements,” to allow restaurants located within a SCC to provide parking at the ratio required for retail uses instead of the parking ratio required for restaurants; and**
- **Amend Section 21.200.200, “S definitions,” by adding a definition for “Sustainable Commercial Center.”**

Chairman Cline introduced the item and requested staff’s report.

Senior Planner Eric Garcia reviewed Zoning Ordinance Amendment No. 54 via a PowerPoint presentation for the proposed amendments.

Mr. Garcia stated that the applicant YF Synergy, Inc. of La Habra, California is requesting Planning Commission consideration of a Zoning Ordinance Amendment to amend the following code sections:

- Amend Table 21.20.020, “Permitted Uses in Commercial Zoning Districts,” by adding “Sustainable Commercial Center” (SCC) to the list of principally permitted uses within the General Commercial (C-4) Zoning District and adding Footnote 13 to allow “Automated Vehicle Washing Facilities” (AVWF) as a permitted accessory use within a SCC without obtaining a Condition Use Permit (CUP);
- Amend Section 21.20.055, “Drive-through facility standards,” exempting AVWF from obtaining a CUP when established as an accessory use within a SCC;
- Amend Subsection 21.20.055(6) by adding a vehicle queuing requirement of four (4) spaces at tunnel entrance for an AVWF;
- Amend Footnote 7 of Table 21.68.050, “Off-street Parking Requirements,” to allow restaurants located within a SCC to provide parking at the ratio

- required for retail uses instead of the parking ratio required for restaurants;
and
- Amend Section 21.200.200, "S definitions," by adding a definition for "Sustainable Commercial Center."

Mr. Garcia stated that amendments to the Zoning Ordinance may be initiated by a property owner through the filing of a Zoning Ordinance Amendment Application and that on August 17, 2022, Mr. Francis Park on behalf of YF Synergy, Inc., owners of the property located at 13525 S. Beach Boulevard ("Applicant") submitted a Zoning Ordinance Amendment Application.

Mr. Garcia stated that the requested amendment would affect areas of the City that currently have the General Commercial (C-4) zoning designation and pointed out those areas on the map within the PowerPoint slide. Mr. Garcia also pointed out the location where the Applicant owns property.

Mr. Garcia stated that the second requested amendment would add Footnote 13 to Table 21.20.020 exempting an automated vehicle washing facility from obtaining a Conditional Use Permit (CUP) when established as an accessory use within a Sustainable Commercial Center (SCC).

Mr. Garcia stated that the third requested amendment would also exempt an automated vehicle washing facility from obtaining a CUP when established as an accessory use within a SCC.

Mr. Garcia stated that the fourth requested amendment would amend Subsection 21.20.055(6) by adding a minimum of four (4) stacking/queuing vehicle spaces at the tunnel entrances to automated vehicle washing facilities.

Mr. Garcia stated that the fifth requested amendment would modify Table 21.68.050 Footnote 7 of the off-street parking requirements to add restaurants within a SCC to comply with the retail parking ratio provided there are mutual parking agreements in place and the total cumulative gross floor area of eating establishments does not exceed 20 percent of the gross floor area of the center.

Mr. Garcia stated that the sixth requested amendment would amend the definitions section of the Zoning Ordinance by adding a definition for "Sustainable Commercial Center." He then read the proposed definition.

In reviewing the analysis and findings of the proposed Zoning Code Amendment, Mr. Garcia stated that while the proposed Zoning Code Amendment is consistent with the Goals and Policies of the General Plan, the proposed addition of "Sustainable Commercial Center" as a principally permitted use within the C-4 Zoning District is unwarranted. Commercial development with sustainable energy and environmental conservation elements is inherently permitted in areas identified as "Commercial" within the City's General Plan. Additionally, the inclusion of an automated vehicle washing facility as an

accessory use, when associated with a Sustainable Commercial Center, is not in keeping with the current code provisions requiring that uses with the potential to have negative impacts on the community be thoroughly reviewed through the CUP process. Also, since the Applicant's primary land use amendment is unwarranted, the associated requested amendments regarding vehicle queuing, parking reductions for restaurants within SCC's, and the addition of a new definition for SCC are also found to be unwarranted amendments to the Zoning Ordinance.

Mr. Garcia stated that the proposed Zoning Ordinance Amendment seeks to amend the list of principally permitted uses within the General Commercial Zoning District and allow an automated vehicle washing facility as a principally permitted accessory use when established as part of a SCC. Properties within the General Commercial Zoning District are concentrated in five (5) areas of the City. The proposed establishment of an automated vehicle washing facility as a principally permitted accessory use without discretionary review through a Conditional Use Permit has the potential to adversely affect properties within the subject zoning district and properties in the vicinity of the areas of the City surrounding the C-4 Zoning District. Allowing this use to be established without discretionary review will eliminate the City's ability to evaluate the use and establish conditions to mitigate the potential negative impacts such use may have on the community.

Mr. Garcia also stated that the proposed Zoning Ordinance Amendment has the potential to negatively affect the public's health, safety, and welfare and is not in keeping with the goals and purposes of the City's Zoning Ordinance should an automated vehicle washing facility be automatically permitted to establish without any discretionary review to evaluate, address and mitigate, through operational or other appropriate conditions, any potential negative impacts on the community that may result from such use.

Mr. Garcia added that the filing of a Zoning Ordinance Amendment Application is not a guarantee that the requested amendment will be approved. Proposed amendments are reviewed and considered carefully to allow, and continue to protect, the orderly development of the City without creating adverse impacts on adjacent properties and the community. Additionally, except for state mandates, the City has ultimate authority over the land uses permitted in the various zoning districts.

Mr. Garcia indicated that the proposed action is exempt from the California Environmental Quality Act (CEQA) in accordance with the general rule that CEQA does not apply to projects which a public agency rejects or disapproves pursuant to Section 15270 of Title 14 of the California Code of Regulations.

Mr. Garcia concluded his report by recommending that the Planning Commission conduct a public hearing, affirm the CEQA Exemption, and adopt Resolution No. P-08-22 denying the requested Zoning Ordinance Amendments attached to the resolution as Exhibit "A."

After the report, Mr. Garcia informed and made available to the Planning Commission a letter received from the Applicant stating opposition to staff's recommendation. Copies of letters received in opposition to the Applicant's request for an automated vehicle washing

facility project as well as letters in support were made available to the Planning Commission as well.

Mr. Craig Fox, City Attorney, stated for clarification that there is not a specific project being proposed here and that this is specifically a text amendment to the Zoning Ordinance.

Mr. Garcia further stated that if the text amendment would be approved and subsequently approved by the City Council then it would provide a process for a type of project that the Applicant is proposing to be reviewed and potentially approved.

Vice Chairman Massey asked for clarification if we were to adopt the resolution as recommended, we would not be saying that these types of projects will be denied, we would only be saying that they don't automatically qualify from an exemption to come before the Commission to be heard and presented.

City Attorney Fox responded and stated that is not correct and that all the resolution does is deny the requested Zoning Code Amendment.

Chairman Cline stated that a yay vote on the resolution denies the amendment.

City Attorney Fox responded and stated yes, it keeps things the way they are.

Vice Chairman Massey asked the effect of denying the amendment would be that if such projects are proposed, they would not automatically receive a waiver but that they would still have to go through the normal process before the Commission.

City Attorney Fox responded and stated that it would have to comply with the current zoning regulations for that site.

Commissioner Morfin stated that he sees it as a little nuance where if they do not meet the requirements of it, they would have zero chance of having the project, for example, this project that is being proposed; so it really does have an affect because it is not like if the zoning amendment is not changed, it is not like there is a possibility that that could occur without a change.

City Attorney Fox responded and stated yes.

Mr. Eric Garcia explained the proposed text amendment before the Planning Commission would allow a car wash to be established. He stated that currently a car wash is permitted with a service station and requires a Conditional Use Permit. He further stated what the Applicant is proposing (Zoning Code Amendment) would allow this type of commercial development to have a car wash as an accessory principally permitted use. He stated that currently, if someone was to propose a commercial center with restaurant, retail, and office uses with a LEED Certified building, they can do so per the code. He further stated that the Applicant is looking to amend the code to allow the car wash use.

Commissioner Morfin asked if the zoning ordinance were amended and if somebody were to apply that meets the criteria of the zoning amendment, does the City Council or Planning Commission still have the authority if someone meets all the zoning requirements to still say yay or nay, or the fact that somebody meets those requirements it will get accepted.

City Attorney Fox responded and stated that this would be a principally permitted use as opposed to a conditional permitted use.

Commissioner Olsen stated that the accessory car wash is acceptable with an automotive service station currently in the zoning code.

Mr. Garcia responded and stated that a service station is permitted with a Conditional Use Permit and a car wash may be established with a service station.

Commissioner Olsen asked if an electric charging station, instead of gas stations, be included in the category of automotive service station.

Mr. Garcia responded and stated that the code does not define electrical vehicle charging stations as a service station.

City Attorney Fox noted that the zoning code was written in 2007 when there were no EV (electric vehicle) chargers so there is only one meaning for service station, and it means gasoline service station.

Commissioner Olsen added that the way the world is moving right now, at some point, we need to change that definition to include electric charging stations.

Chairman Cline opened the public hearing and asked if anyone wished to speak on the item and added that there is a three-minute limitation.

Commissioner Morfin addressed the audience that this is not about the project (automated vehicle washing facility/commercial center). He stated what is on the agenda is the proposal to change the zoning ordinance and that we have to be mindful of that. He further state the our vote is not a vote in favor or not of a particular project, it is a vote considering what is before us.

Mr. Garcia informed the Planning Commission that the Applicant, Francis Park, was in attendance to provide additional information.

Chairman Cline asked Mr. Park if he could provide us with the number of surveys that were distributed by Goodwin Simon that are within 500 feet or a quarter mile of the subject area as opposed to the La Mirada residents at large.

Francis Park stated that Mr. Paul Goodwin from Goodwin Simon will speak as part of public comments and answer any questions the Planning Commission may have.

Francis Park stated that he is from Park and Velayos representing the Applicant and went on to describe his background and experience as a land use attorney and a CEQA expert. He stated that he submitted a letter to the Planning Commission that details the merits of this project and includes two requests: one, is to make a zoning interpretation that allows an EV charging station to be treated the same as the gas station and if that is not acceptable, then to adopt a zoning code amendment. He also stated that he had included legal filings for consideration that clearly show that the project satisfies all required findings. He further stated that he previously submitted to the City a fully compliance CEQA document supported by a technical expert report showing that this project (referring to the sustainable commercial center with an automated vehicle washing facility) will have less than significant impacts in every environmental category including traffic, noise, air quality, greenhouse gas, and public safety among others. He added that since purchasing this property in early 2021, with our application to the City in October of last year, there have been some misconceptions and misunderstandings of the project. He stated that he wanted to correct the record this evening and show exactly what they are asking for and what they are about.

Mr. Park stated that he is joined tonight by the Yi brothers, the project Applicants. He described the project Applicant's background from their arrival to the U.S. from South Korea in 1974. He further described the Project Applicant's business background as owner of state-of-the-art car wash facilities in southern California and their involvement and contributions to the communities.

Mr. Park described, using a PowerPoint presentation, typical gas stations with attached car washes that can be built today under current code requirements with a CUP; however, it is not what they are asking for.

Mr. Park referred to slide pictures showing a historic perception of car washes: that they are dirty; that they require a lot of workers milling around; and are visually unappealing. He described a variety of existing car washes that are usually located in blighted areas without landscaping, not esthetically pleasing, and use massive amounts of water. He added that they are simply not good for the environment and do not add any positivity.

Mr. Park stated they are not proposing any of those types of mentioned car washes. He described their Project as something completely different. He stated the Project would be the most sustainable and attractive commercial center in La Mirada. He indicated that the Project is designed by a world-class, award-winning architectural firm and introduced Gregg Simonoff from SMS Architects.

Mr. Simonoff explained the scope of the project was to create a gateway to the City that would attract upscale clients and tenants and design the commercial center that conceals the proposed car wash to the extent possible from Hillsborough Drive and Beach Boulevard.

Mr. Simonoff further pointed to pictures of existing sites and did a quick walk-through of the building. He pointed to the corner of Hillsborough and Beach Boulevard and indicated

that this would be the “Welcome to the City of La Mirada”, and that it would include the retail conformance of the project. He stated that the car wash would be completely screened and further stated that the upper level is a high-end restaurant, and the lower levels would be retail and upscale restaurants and retail services.

Mr. Simonoff further described the view from Beach Boulevard and indicated the use of nice building materials used as requested by the Applicant. He further indicated that the car wash was completely screened from the street and contained within the back corner with mature trees and landscaping as prepared by a landscape plan.

Mr. Simonoff continued to describe all views of the car wash project. He also indicated that the project would include eight EV charging stations and have provided ample parking for the retail uses.

Mr. Park noted that the design is exceptional and that this is about a family-friendly destination venue for La Mirada that is primarily restaurant and retail but also includes this ancillary car wash use that is required to get less than a third of its center in terms of square footage. He stated that this ancillary use is not visible from the public streets or from any residential neighbor. He stated that the technical analysis shows that in addition to not being visible, you will not hear the sound associated with the car washes less than the existing ambient sound levels. He further stated that there will also be no spillover queuing effects on the streets as this design eliminates that potential issue. He also stated that in addition to the design, our amendment is aspirational for the City in terms of sustainability. He stated that they are requiring no new net emissions of greenhouse gas, LEED Gold Certification, 50% of energy used by solar, and highest levels of water recycling using about 10 gallons of water per wash with much of it being recycled compared to a typical car wash which uses 100 gallons and eight public EV charging stations. He noted that all these proposed uses are currently permitted by the code but just not in this exact configuration. He stated that if he replaced the EV charging stations with gas fueled items, this would be permitted. He stated that the fact of the matter is that gasoline fuel stations will be prohibited in the future, and that the state has banned the sale of new gas-powered cars by 2035. He stated the race is on to build an EV charging infrastructure throughout the state and there are gas everywhere including in your city. He further stated that based on a recent poll we know that 40 percent of your residents either have electric vehicles or will purchase one in the near future. He pointed to a map of the eight now EV chargers in La Mirada and stated that this project alone would double that number. He stated that La Mirada has a zoning code that has not been updated since 2007, and the service station definition is obsolete as no new gas station will ever be built in La Mirada. He stated that an EV charger serves as the same function as a gas station. He further stated that for those reasons and to support the climate goals of the city and state, the City should interpret a service station to allow EV charging instead of gas fill, but unfortunately, they were told by staff that that was not possible which is why they are pursuing this amendment which will codify all the sustainability benefits discussed.

Mr. Park further stated that he was happy to read that Staff agrees that this amendment is consistent with the City's general plan. Staff's objection is that this amendment is not warranted because City staff wants a future process to ensure that there are no negative impacts to the environment. He stated that he has two responses to that: First, as it relates to this specific project there are no negative impacts. He stated that they know that because they hired all of the required CEQA experts, and analyzed the project from every possible angle, and they all concluded that there is no negative impact. He stated that Staff has not presented any evidence to the contrary other than their unsupported opinions. Second, there is a discretionary of process in the future for any other projects that want to utilize this amendment. He further stated that their existing code requires a Certificate of Compatibility for projects that exceed 5,000 square feet. He stated that that requires a discretionary future process and CEQA review that will allow the City to determine if there are any negative impacts. He stated that the concerns of City Staff are clearly addressed and should not be an impediment to moving forward with this amendment. He further stated that in addition, there are very few C-4 zones properties in your city. He stated C-4 can be found in the bottom 1.5% of the city, and these properties are already developed with quality use like La Mirada Theatre that will not be redeveloped any time soon.

Mr. Park stated, that as mentioned before, this project is about creating a destination venue that is primarily restaurant and retail. He stated that at the community feedback, they heard a lot about the types of quality tenants La Mirada residents would like to see at this location. He further stated that they would also agree to prohibit certain uses that the City considers undesirable like tattoo parlors, smoke shops, and massage parlors. He indicated that they want great tenants that will serve this community and stated that they have letters of intent and expressions of interest from several quality restaurants and retail services if this project can move forward.

Mr. Park addressed Public Safety and stated that they heard in February at the City Council Study Session that people were concerned with potential crime. He stated that they take these concerns very seriously and hired a security expert to analyze public safety to ensure it is not jeopardized. He stated that this expert analyzed the crime rates for the Applicant's other locations and could not find any correlation of an increase in crime where testimonials from public officials in their other locations that speaks to the lack of any crime and the positive revitalization benefits with the operations, and they expect this to be the case in La Mirada.

Mr. Park further stated that this project represents a \$12 million investment into a prominent gateway to La Mirada. He stated it will add a number of jobs, increase property taxes, increase sales taxes that will benefit the City fiscally and will revitalize this aging center that has seen a number of failures throughout the years such as CVS, Jack in the Box, and 24-Hour Fitness. He stated that this site deserves a quality commercial center that will provide great services to the La Mirada residents and not just a gas service station.

Mr. Park stated that they have been conducting extensive outreach in in the City in English, Spanish and Korean. He also stated they want everyone to know about the project and be fully informed of the facts. He stated they have knocked on doors at every part of La Mirada and have over 1,000 supporters. He pointed to a heat map showing the supporters. He further stated that they have hired a polling company to better understand the residents and voters. He stated that he believes that based on their outreach and polling that there is overwhelming public support for this project.

Mr. Park asked if there are any concerns, they are open to suggestions and conditions that may be appropriate. He stated that he has listed two conditions that may be considered regarding the types of tenants for the visibility of the ancillary use.

Mr. Park concluded by adding that their project is attractive, compatible, and sustainable with real positive community benefits for all La Mirada residents, and respectfully requests approval. He stated that they have their entire team to answer any questions.

Chairman Cline indicated that the Planning Commission will ask questions prior to taking public testimony.

Commissioner Olsen stated that the item before us is an amendment to the Zoning Code and not a project and that that will come later.

Mr. Park addressed the Commission and stated that they filed for a project in addition to an amendment. He stated that it was the City Staff's choice to just move this amendment forward which is why they provided everything related to the project including a full set of plans and all the CEQA work, and there was an application for a Certificate of Compatibility that they submitted as well. He further stated that they would have enjoyed having that considered at the same time, but it was City Staff's choice to separate that.

Commissioner Olsen stated that is not on tonight's agenda.

Vice Chairman Massey asked Mr. Park two questions. He stated that as was mentioned by City Staff earlier, the current definition of a service station does not include EV charging stations; so he asked why was the proposal for amending the code simply not limited to having that be adopted as part of the definition of a service station, and two, why is a car wash facility an intricate part of that project rather than just everything else that is the component, for example, the shops, the restaurants, et cetera.

Mr. Park responded that in terms of why not amend the auto service station definition, that the City told us that they could not proceed in that fashion and recommended that they do not move in that direction. He further responded and stated that in terms of why the accessory use is included in that way, he indicated that they wanted to try to hue as close to the automobile service station definition as possible. He stated that city code has not been updated since 2007 and not evolved with the times. He also stated that they tried to create something that was similar to an existing permitted use, which would

be a service station that would have an EV charger in lieu of the gasoline fueling but wanted to add great benefits of sustainability.

Commissioner Morfin stated that he wanted to go back to the first comment so that he is clear before members of the public speak. He stated that when reading Zoning Ordinance Amendment and the documents that were received, there was a request proposing to add a Sustainable Commercial Center as a principally permitted use within the General Commercial (C-4) Zoning District, and it goes on from there and then in a recommendation from City Staff to us it says that one of the findings from the City Staff says "and denying the proposed Zoning Ordinance Amendment." He pointed out that he was right about it being a Zoning Ordinance Amendment at the same time there was submitted request proposing to add a definition for permitted use within the zoning, so it does relate a little bit because there was a request and then the City Staff here, in terms of the finding, it is saying it is denying the proposed Zoning Ordinance Amendment. He stated the proposal goes a lot beyond what is on our agenda today and according to the Brown Act, we can only consider what is on the agenda.

Commissioner Saenz stated that he agrees with Commissioner Morfin. He stated we are looking at the zoning piece of it, but it also entails everything else behind it, and it is hard to separate both pieces without looking at the actual agenda.

City Attorney Fox stated to keep in mind that the Zoning Ordinance Amendment will apply to everybody. The City should have the discretion because it is a legislative matter. He stated that we probably do need to update our code but when and how we do that is strictly within the City's discretion. He further stated that this is a nice project now but if the Zoning Ordinance Amendments is approved, the Applicant could sell the property and the project may not end up being a nice project. The Commission must keep in mind it applies across the board.

Commissioner Morfin responded that a previous map showed some of the zoning locations throughout the city, which appear to be in all corners of the city and so we have to focus on what is before us and not the project (automated vehicle washing facility) itself, but, at the same time, the project itself is just one of many examples that could occur should a zoning ordinance be changed; however, not all projects may look like this or be like this but, at the same time, it does show a glimpse of what it could lead to.

Vice Chairman Massey asked Mr. Fox how are we envisioning, in the future, that the City would update its code so that it does reflect charging stations as something that falls within the definition of service stations.

City Attorney Fox responded and stated that the City has just hired a new director replacing Mr. Bautista, who is retired now, and who is very driven. He further stated that he was present when the last zoning code amendment occurred, which was a lengthy process that took quite some time from top to bottom. Mr. Fox stated that he could only suggest but that would be on everybody's radar to do. He stated that they raised great questions as most vehicles are probably going to be electric and so the definition of a

service station is largely irrelevant but there is a process to have an unlisted use determined that was not followed.

Chairman Cline asked in the context of the EV charging stations, we do have to address them because they are popping up.

Mr. Garcia responded and stated that we can certainly look at that aspect. He stated that the way the code is being proposed would simply allow a car wash without the City reviewing potential impacts through the CUP process. That these projects would be principally permitted without conducting an environmental study. He further stated that in terms of the Certificate of Compatibility process, the Applicant is correct; however, that review is for the structure and not for the use. He stated that the Certificate of Compatibility is for the architectural review that is compatible with the surrounding area and not the use.

Mr. Park addressed that the Certificate of Compatibility is a discretionary approval, it triggers CEQA review and, ultimately, if you want additional review and not be on structure, the City can add that as a partisan and that can be one of the conditions or replies portions of the amendment, if that is a concern.

Chairman Cline opened the public hearing.

Carol Watkins spoke in favor of Resolution No. P-08-22 to deny amendments to Title 21, Zoning Ordinance, of the La Mirada Municipal Code.

Antoinette Gutierrez spoke in favor of Resolution No. P-08-22 to deny amendments to Title 21, Zoning Ordinance, of the La Mirada Municipal Code.

Kenneth Park spoke against Resolution No. P-08-22 and requested to amend Title 21, Zoning Ordinance, of the La Mirada Municipal Code.

Jane Lee spoke against Resolution No. P-08-22 and requested to amend Title 21, Zoning Ordinance, of the La Mirada Municipal Code.

Steve Soto spoke in favor of Resolution No. P-08-22 to deny amendments to Title 21, Zoning Ordinance, of the La Mirada Municipal Code.

Dillon spoke against Resolution No. P-08-22 and requested to amend Title 21, Zoning Ordinance, of the La Mirada Municipal Code.

Jim Lee spoke in favor of Resolution No. P-08-22 to deny amendments to Title 21, Zoning Ordinance, of the La Mirada Municipal Code.

Christine Cook spoke in favor of Resolution No. P-08-22 to deny amendments to Title 21, Zoning Ordinance, of the La Mirada Municipal Code.

Chairman Cline called for a recess at 7:43 p.m.

Chairman Cline called the meeting back to order at 7:48 p.m. and reminded everyone that what is before the Commission is textual change to the zoning code. He added that if your comments are going to be directed towards zoning change, we welcome them and further added to hold your comments to another meeting when the project is before the Commission or Council and, again, we are only here to make decisions related to the zoning codes.

Reeza Gervacio spoke in favor of Resolution No. P-08-22 to deny amendments to Title 21, Zoning Ordinance, of the La Mirada Municipal Code.

Kerney Marine spoke in favor of Resolution No. P-08-22 to deny amendments to Title 21, Zoning Ordinance, of the La Mirada Municipal Code.

Akash Soma spoke in favor of Resolution No. P-08-22 to deny amendments to Title 21, Zoning Ordinance, of the La Mirada Municipal Code.

Kirk Bagdasarian spoke in favor of Resolution No. P-08-22 to deny amendments to Title 21, Zoning Ordinance, of the La Mirada Municipal Code.

Denise Mentz spoke in favor of Resolution No. P-08-22 to deny amendments to Title 21, Zoning Ordinance, of the La Mirada Municipal Code.

Lisa Pardo spoke in favor of Resolution No. P-08-22 to deny amendments to Title 21, Zoning Ordinance, of the La Mirada Municipal Code.

Eddie Pardo spoke in favor of Resolution No. P-08-22 to deny amendments to Title 21, Zoning Ordinance, of the La Mirada Municipal Code.

Ruben Pardo spoke in favor of Resolution No. P-08-22 to deny amendments to Title 21, Zoning Ordinance, of the La Mirada Municipal Code.

John Lee spoke in favor of Resolution No. P-08-22 to deny amendments to Title 21, Zoning Ordinance, of the La Mirada Municipal Code.

Ugene Park against Resolution No. P-08-22 and requested to amend Title 21, Zoning Ordinance, of the La Mirada Municipal Code.

Archie Taylor spoke in favor of Resolution No. P-08-22 to deny amendments to Title 21, Zoning Ordinance, of the La Mirada Municipal Code.

Rob Roman spoke in favor of Resolution No. P-08-22 to deny amendments to Title 21, Zoning Ordinance, of the La Mirada Municipal Code.

Chad Gabbert spoke in favor of Resolution No. P-08-22 to deny amendments to Title 21, Zoning Ordinance, of the La Mirada Municipal Code.

Raymond Kim spoke in favor of Resolution No. P-08-22 to deny amendments to Title 21, Zoning Ordinance, of the La Mirada Municipal Code.

Leslie Burner spoke in favor of Resolution No. P-08-22 to deny amendments to Title 21, Zoning Ordinance, of the La Mirada Municipal Code.

Landmark Resident spoke against Resolution No. P-08-22 and requested to amend Title 21, Zoning Ordinance, of the La Mirada Municipal Code.

Resident spoke in favor of Resolution No. P-08-22 to deny amendments to Title 21, Zoning Ordinance, of the La Mirada Municipal Code.

Sara Quinonez spoke in favor of Resolution No. P-08-22 to deny amendments to Title 21, Zoning Ordinance, of the La Mirada Municipal Code.

Resident spoke against Resolution No. P-08-22 and requested to amend Title 21, Zoning Ordinance, of the La Mirada Municipal Code.

Laarni B. Diamse spoke in favor of Resolution No. P-08-22 to deny amendments to Title 21, Zoning Ordinance, of the La Mirada Municipal Code.

Dory spoke in favor of Resolution No. P-08-22 to deny amendments to Title 21, Zoning Ordinance, of the La Mirada Municipal Code.

Noli Calingo spoke in favor of Resolution No. P-08-22 to deny amendments to Title 21, Zoning Ordinance, of the La Mirada Municipal Code.

Ken Carlson spoke in favor of Resolution No. P-08-22 to deny amendments to Title 21, Zoning Ordinance, of the La Mirada Municipal Code.

Vikram Sura spoke in favor of Resolution No. P-08-22 to deny amendments to Title 21, Zoning Ordinance, of the La Mirada Municipal Code.

Edgar Beck spoke in favor of Resolution No. P-08-22 to deny amendments to Title 21, Zoning Ordinance, of the La Mirada Municipal Code.

Douglas Kim spoke against Resolution No. P-08-22 and requested to amend Title 21, Zoning Ordinance, of the La Mirada Municipal Code.

Local Business Owner spoke against Resolution No. P-08-22 and requested to amend Title 21, Zoning Ordinance, of the La Mirada Municipal Code.

Paul Goodwin spoke against Resolution No. P-08-22 and requested to amend Title 21, Zoning Ordinance, of the La Mirada Municipal Code.

Mont Panya spoke in favor of Resolution No. P-08-22 to deny amendments to Title 21, Zoning Ordinance, of the La Mirada Municipal Code.

Ursula Piotrowski spoke in favor of Resolution No. P-08-22 to deny amendments to Title 21, Zoning Ordinance, of the La Mirada Municipal Code.

Somerset Glenn Resident spoke in favor of Resolution No. P-08-22 to deny amendments to Title 21, Zoning Ordinance, of the La Mirada Municipal Code.

Jack Miranda spoke against Resolution No. P-08-22 and requested to amend Title 21, Zoning Ordinance, of the La Mirada Municipal Code.

Mario Suwalla spoke in favor of Resolution No. P-08-22 to deny amendments to Title 21, Zoning Ordinance, of the La Mirada Municipal Code.

Chairman Cline closed the public hearing and opened the item for discussion

Commissioner Olsen stated that he will object to changing the zoning code to eliminate the Conditional Use Permit and stated that this needs to stay in place and that each project needs to be reviewed on its own merits and not just carte blanche be given permission. He added that at some point, the City will have to start looking at what constitutes a service station as the times are changing.

Vice Chairman Massey stated that he agrees with what Commissioner Olsen said, and that he is not in favor of a blanket change to the code that would remove the discussion of the Commission and being able to review projects on a case-by-case basis in order to determine what is in the best interest of the City. He added that it is important to take into consideration the opinions that are being expressed by the public and although this was not a hearing for the project itself, he could not tell but noticing that aside from those representing the Applicant, the only people who spoke in favor of the proposal were all having the same preprinted signs which suggests that they were part of an organized interest group that is not being representative today of the community and so that is going to carry less weight than listening to the voices of the residents.

Commissioner Saenz expressed that he has a hard time making these many changes to an ordinance that could affect the whole City of La Mirada as opposed to just a section. He stated that he looked at the survey which disturbed him a bit as every one of these says "Yes, I support it" but there is not a box that says "No." He stated that at this point in time, he does not want to make any changes and leave the ordinance alone.

Commissioner Morfin stated that he commends the community for coming out both in favor and in opposition of what is presented tonight. He stated he echoes Commissioner Olsen's concerns with this project. He expressed his concern on the amount of changes

being requested for one project. He added that he is looking at what is before us and not the project, and this project affects any place that is similarly zoned. He further added that the reason why we have codes and zoning ordinances are to protect things when we do not have hundreds of people coming out. He stated that he does not think that all of the current ordinances have not been changed since 2007, and he does not think that we should accept status quo. He stated that he would urge the City and City Staff to look for ways, not in particular just the service station versus EV charging station in question, but thinks the time is right to look at this now. He further stated it does not mean that we should arbitrarily just change things and give up our discretion to kind of look at projects on a project-by-project basis and by preserving the ordinances and the zoning codes as they are now, he would be in favor of that.

Commissioner Morfin also stated that he has a concern with Page 4 where it states "The Planning Commission finds that the proposed Zoning Ordinance Amendment has the potential to negatively affect the public's health, safety, and welfare", he is not sure if he is allowed to do this, but he would recommend that he is fine with the rest of this City's request but does not like that sentence and does not think that there is any evidence whatsoever before us that this zoning ordinance would negatively affect the health, safety, and welfare. He further added that it could but does not like the way that it is phrased as it is almost absolute. He further stated if there is a way to change that sentence to remove that or rephrase it.

City Attorney Fox stated for the record that section 3 (c) of the Resolution says "The Planning Commission finds that the proposed Zoning Ordinance Amendment has the potential to negatively affect the public's health, safety, and welfare" so it is not a conclusive statement and reflects what the Zoning Code requires in the way of a finding.

Chairman Cline thanked the public for attending the meeting and providing their comments on this project. He stated that the Zoning Code as it is written gives us guidelines of how we should rule on this proposed amendment today and supports what every other Commissioner has said and that is that we accept staff's recommendation to reject the proposed amendment.

Commissioner Olsen moved and Vice Chairman Massey seconded to affirm the CEQA exemption and to adopt Resolution No. P-08-22 denying a request to make the following amendments to Title 21, Zoning Ordinance, of the La Mirada Municipal Code (LMMC).

MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

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

Chairman Cline called for a recess at 9:10 p.m.

Meeting resumed at 9:14 p.m.

PUBLIC COMMENT PERIOD

Christine Cook commented on the process of obtaining a Planning Commission Agenda in advance and to view the meetings via video.

Ursula Piotrowski thanked the Planning Commissioners for their decision on item no. 2.

Dr. Regina Tercero thanked the Planning Commissioners for their decision on item no. 2.

COMMISSION ANNOUNCEMENTS

Commissioners welcomed Commissioner Morfin to the Planning Commission and reported on events they attended.

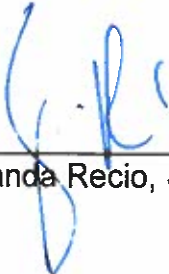
STAFF ANNOUNCEMENTS

Senior Planner Garcia stated that the applicant has 10 days to appeal the decision for Zoning Ordinance Amendment No. 54.

ADJOURNMENT

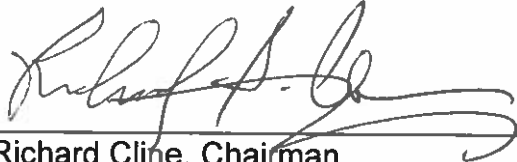
There being no further business to come before the Planning Commission, Chairman Cline adjourned the meeting at 9:24 p.m. to the next regular meeting to be held on Thursday, December 15, 2022.

Submitted:



Yolanda Recio, Secretary

Attest:



Richard Cline, Chairman