

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

November 16, 2017

CALL TO ORDER

The regular meeting of the Planning Commission was called to order at 6:30 p.m. by Chairman Lee Olsen in 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 Lee Olsen
Vice Chairman Scott Anderson
Commissioner Changhai Ahn
Commissioner Keith Chung
Commissioner Michael Saenz

Staff:

Gabriel Bautista, City Planner
Arturo Cervantes, Administrative Analyst II
D. Craig Fox, City Attorney
Angel Leon-Martell, Planning Technician
Norma Stein, Secretary

APPROVAL OF MINUTES

1. MINUTES OF THE REGULAR MEETING OF September 21, 2017

Commissioner Saenz moved and Commissioner Anderson seconded to approve the minutes of the October 20, 2017 Planning Commission meeting.

MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

AYES: Chairman Olsen, Vice Chairman Anderson, Commissioner Chung,
Commissioner Saenz

NOES: None

ABSENT: None

ABSTAIN: Commissioner Ahn

PUBLIC HEARING

2. CONDITIONAL USE PERMIT NO. 320 AND VARIANCE NO. 65:

Administrative Analyst II Arturo Cervantes provided an overview of the staff report via a PowerPoint presentation. Mr. Cervantes stated that

Denco Family, Inc and Pop Star, Inc. ("Applicant") submitted a request for Planning Commission consideration of Conditional Use Permit No. 320 and Variance No. 165, to construct and operate a fast food restaurant with a drive-thru aisle; reduce the required rear yard setback, reduce the required landscaping, and install one additional monument sign at the northeast corner of Imperial Highway and Santa Gertrudes Avenue at 15809 Imperial Highway, within Planning Area 3C (PA-3C) of the Imperial Highway Specific Plan (IHSP) Zoning District (collectively, "Project").

Mr. Cervantes stated that pursuant to the City of La Mirada Municipal Code (L.M.M.C.), the development of a drive-thru facility requires special review via the Conditional Use Permit (CUP) process. He also stated that the level of review allows the City to analyze the proposed use and location to identify and address potential impacts that may result from the use.

Mr. Cervantes mentioned that the Variance Application process allows for deviations from a prescribed development standard when the strict application of the zoning regulations would deprive such property of privileges enjoyed by other property owners in the vicinity.

Mr. Cervantes stated that subject site is a 16,553 square foot parcel located on the northeast corner of Imperial Highway and Santa Gertrudes Avenue. The parcel is adjacent to the La Mirada Towne Center (LMTC).

Mr. Cervantes mentioned that the subject site is within Planning Area 3C (PA-3C) of the IHSP Zoning District. He added that the properties to the west and south of the subject site, and adjacent to the intersection of Imperial Highway and Santa Gertrudes Avenue, are also within the IHSP and are currently developed with retail/Commercial, personal services, restaurant, and office uses. The LMTC shopping center lies on the City's north east border, adjacent to Unincorporated Los Angeles County, an area recognized as South Whittier. He also mentioned that the properties to the east and north of the center are residential apartments, which are within Unincorporated Los Angeles County's jurisdiction, and zoned as "Limited Density Multiple Residence."

Mr. Cervantes stated that the LMTC is a 5.27 acre site comprised of five parcels and two buildings with storefronts with various uses that include retail/commercial, restaurant, and personal service uses. He added that the LMTC site has access from four (4) driveway aprons along Imperial Highway, and two (2) aprons from Santa Gertrudes Avenue. He stated that this enables direct vehicle access from northbound traffic on Santa Gertrudes Avenue and indirect access from vehicle west and east bound on Imperial Highway.

Mr. Cervantes mentioned that the subject site was previously developed as a gas station and operated under the Shell brand. He added that various improvements were made to the facility in subsequent. He also mentioned that on July 15, 2002 the site

was raze, and since that time the site has remained undeveloped.

Mr. Cervantes stated that the Applicant has submitted a CUP application requesting to construct and operate a new fast food restaurant with a drive-thru aisle. He added that the Applicant is also requesting a Variance to deviate from the established development standards regarding rear yard setbacks, landscaping and the number of permitted ground signs. Mr. Cervantes stated that if the Variance is granted, the Applicant would be able to develop the site in substantial compliance with the submitted plans.

Mr. Cervantes indicated that the project will provide substantial site improvements including construction of a new restaurant building, on-site parking, drought tolerant landscape improvements and a new trash enclosure. He also stated that the project will include the construction of a new 2,260 square foot Popeyes Louisiana Kitchen fast food restaurant, with a drive-thru aisle and that the site improvements will include decorative stamped concrete on all driveway entrances; new surface parking to accommodate 15 automobiles; perimeter and interior landscape planters with 6" concrete curb borders; bicycle rack; an automatic irrigation system; and a new trash enclosure.

Mr. Cervantes mentioned that the drive-thru aisle will be located along the north side (rear) of the property to minimize the visual impact of vehicles queuing to the pick-up window. He also mentioned that the drive-thru aisle will provide queuing space for a minimum of seven (7) vehicles: six (6) vehicles from the pick-up window to the order box, and one (1) additional vehicle behind the order box. He added that the drive-thru lane will provide sufficient queuing to prevent impacts to on-site circulation, parking, and pedestrian movement.

Mr. Cervantes stated that the project will include an 800 square foot dining area with booth and counter seating to accommodate up to 46 patrons and that the dining area will include a customer counter for placing orders and access to two (2) restrooms. He also stated that approximately 1,150 square feet will be utilized for the business' operation, which includes a work area for preparing orders, storage areas, and a walk-in freezer and cooler.

Mr. Cervantes described the proposed exterior design of the building as having Mediterranean/Modernist architecture elements, as required by the IHSP, with warm and light earth tone colors, smooth stucco finishes, stone accents and two stone towers with low-sloping roofs to provide horizontal variations in wall and roof planes. He also mentioned that the building will include decorative cornices along the top of the parapet and red, metal awnings projecting over the storefront windows and the entryway.

Mr. Cervantes stated that it should be noted that City staff reviewed and worked with the applicant's architect on a number of submittals to arrive at a design that provided the required elements while incorporating architectural features traditional to the Popeyes franchise, such as louver shutters, and the false wrought-iron balcony and awning over

the drive-thru.

Mr. Cervantes mentioned that the Applicant is requesting a variance to remedy three code deviations. He stated that the site was originally parceled out to allow for the development of the gasoline station mentioned earlier and that this resulted in a lot that is smaller than most current retail parcels in the City. Given this, he added that the applicant has requested a reduction in the rear yard setback and in the required landscape planter width along Imperial Highway.

Mr. Cervantes proceeded to review the findings and stated that the granting of the variance would enable the applicant to develop the site as proposed, while conforming to all other City development standards and County of Los Angeles Fire Department standards. Mr. Cervantes added that the variance would also reduce the landscape width along Imperial from the required 10 feet to 8 feet and allow parking to overhang up to 2' into the landscape. He added that the reduction in the landscaping area would not impact adjacent properties and landscaping materials would be utilized to mitigate aesthetic impacts that may be caused from vehicle parking and that the Project would provide a minimum of ten percent (10%) landscaping for the overall site.

Mr. Cervantes added that the variance request will also enable the Applicant to construct one additional ground-mounted, monument sign at the intersection of Imperial Highway and Santa Gertrudes Avenue and that the additional ground-mounted sign will enable the Applicant to promote the restaurant to commuters traveling along the adjacent roads without having any negative effect on the surrounding businesses.

Mr. Cervantes mentioned that LSA Associates, Inc. (LSA) prepared a traffic impact analysis for the project. He added that the consultant reviewed the potential impacts the Project would generate and concluded that the Project could be implemented without significantly impacting the existing circulation system, and that the drive-through lane would provide sufficient queuing for the restaurant. Mr. Cervantes introduced Mr. Dean Arizabal from LSA and mentioned that he will provide a brief summary of their analysis.

Mr. Arizabal introduced himself and provided a brief summary on the prepared analysis to identify traffic impacts resulting from the development of the Popeyes Louisiana Kitchen Project.

Mr. Cervantes stated that subject to the approval of a CUP and Variance, the Project is permitted to establish and operate within Planning Area 3C of the IHSP Zoning District. Additionally, the intent of the IHSP is to promote the establishment of commercial/retail and mixed use development along the Imperial Highway corridor.

Mr. Cervantes stated that the Project has been designed to best accommodate the proposed restaurant use with a drive-thru, as well as on-site vehicular and pedestrian

circulation. He also stated that there are special circumstances applicable to the Project which does not generally apply to other properties in the same district and that the Project, which is adjacent to an already established and fully occupied shopping center, is unique in its smaller size and location.

Mr. Cervantes mentioned that given that the Project encompasses the development of a new structure on a currently vacant lot, the site has been designed to provide sufficient vehicle and pedestrian circulation, on-site parking, and proper location of site amenities. As a result, the subject site is physically suitable for the proposed Project without physically impacting other uses in the adjacent commercial centers and that the use is compatible with the land uses presently on the subject property, and future land uses anticipated to establish within the IHSP zone and the general area.

Mr. Cervantes stated that the Project consistent with the General Plan in that it is subject to the approval of a CUP and is consistent with the General Plan Commercial land use designation. The project is also consistent with the goals and policies of the IHSP, which permits the establishment of restaurants and commercial types uses along the Imperial Highway corridor.

Mr. Cervantes stated that the Project, as conditioned, will not be detrimental to the public interest, health, safety, convenience, or welfare. The Project will comply with applicable regulations, policies, and/or standards of all applicable agencies, including, but not limited to, Los Angeles County Building and Fire Codes, ADA guidelines, Public Safety, Business License, and Public Works.

At the conclusion of the review Mr. Cervantes recommended that the Planning Commission conduct the public hearing as prescribed by law; affirm the California Environmental Quality Act Exemption; and adopt Resolution No. P-07-17 approving Conditional Use Permit No. 320 and Variance No 165 to establish and operate a fast food restaurant with a drive-through; and reduce the required rear yard setback, reduce the required landscaping, and install one additional monument sign at the northeast corner of Imperial Highway and Santa Gertrudes Avenue at 15809 Imperial Highway, within Planning Area 3C (PA-3C) of the Imperial Highway Specific Plan (IHSP) Zoning District.

Chairman Olsen opened the public hearing and asked if anyone wished to speak in support of the matter.

David Gilmore with Seagrove Properties expressed his support for the project.

Rahul Marhah the developer of the project expressed that they were excited for the project coming to the City of La Mirada. He also mentioned that he is currently developing in various cities with the same project, and that he was available for any questions.

Ron Bhadnis expressed that he is in favor of the project. He also expressed that Condition of Approval number 27 does not comply with the staff report. Mr. Bhadnis stated that the staff report reads: "The Project would provide a minimum of ten percent (10%) landscaping for the overall site." And the condition of approval number 27 reads: "Landscape coverage shall be provided as 10% of the total site area plus 10% of parking lot area, not including setbacks."

Chairman Olsen asked if anyone wish to speak in opposition to the item.

No members of the public spoke.

Chairman Olsen closed the public hearing and opened the item for discussion.

City Planner Gabriel Bautista expressed that during the preliminary review process the needed deviations were identified and that the new deviation identified by Mr. Bhadenis is new to staff. He also stated that since staff was unaware of this additional requested deviation, it was not evaluated during the preliminary review process. Therefore, at this time the Planning Commission could either approve the project as conditioned or continue the item to the next meeting scheduled for Thursday, December 21, 2017. Mr. Bautista added that the continuance will provide staff opportunity to discuss and reevaluate the plans to ensure compliance with the current conditions of approval and the Municipal Code.

Prior to any additional public comments from the project proponent, Chairman Olsen reopened the public hearing.

Rahul Marhah expressed that he thinks that there was an over site and doesn't think that they need a new deviation. Mr. Marhah pointed out that staff report reads: "The Project would provide a minimum of ten percent (10%) landscape for overall site." Mr. Marhah mention that they were in compliance with that requirement

Mr. Olsen asked wouldn't 10 % of the total site cover the parking lot.

Mr. Bautista responded and stated that the parking standards in the code require that 10% of the parking area also be provided with landscaping and that this additional landscape area is not counted toward the 10% overall site landscaping requirement.

Mr. Olsen asked if the submitted plan complies with the landscape requirement.

Mr. Cervantes responded and stated that he agreed with Mr. Bautista and that this was the first time staff was made aware of the additional landscape issue which will require additional time to review the new requested deviation.

Mr. Bautista reiterated that the item could be continued to the next meeting to review the proposed deviation and avoid the need to re-notice the public hearing or the applicant could withdraw their request and the project may be approved as recommended whereby staff would work with the applicant to attain compliance.

Mr. Marhah stated that they are struggling to meet Fire Department requirements, city parking requirements and setback requirements making it difficult to meet the additional parking lot landscaping requirements.

Mr. Bautista added that if the additional landscaping requirement could not be met then the additional deviation could be considered along with the other deviations already being requested.

Mr. Bhadnis stated that the landscaping within the setbacks was not included in the overall site landscaping calculation.

Mr. Olsen asked if we have conformance.

Mr. Bautista responded and stated that there is no conformance and recommended that the item be continued to the December 21, 2017 meeting to give staff the opportunity to review the applicant's request, code standards and the ability to comply with the development standards or request an additional deviation from the code. He also mentioned that if they modify the proposal, a new public hearing notice would be issued.

There being no further discussion Chairman Olsen requested a motion on the item.

Commissioner Saenz moved and Commissioner Chung seconded to continue the public hearing to the Thursday, December 21, 2017 Planning Commission meeting.

MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

**AYES: Chairman Olsen, Vice Chairman Anderson, Commissioner Ahn,
Commissioner Chung, Commissioner Saenz**

NOES: None

ABSENT: None

ABSTAIN: None

PUBLIC COMMENT PERIOD

Resident Steve Pautoorya expressed that he is interested in establishing a weekly event in the city whereby food trucks are allowed to gather and sell food to customers.

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Chairman Olsen responded that since the matter was not on the agenda, the commission could not debate or take action on the proposal, and suggested the proponent speak with staff after the meeting.

COMMISSION ANNOUNCEMENTS

Commissioners Saenz, Anderson and Chairman Olsen wished everyone a Happy Thanksgiving.

STAFF ANNOUNCEMENTS

City Planner wished everyone a Happy Thanksgiving.

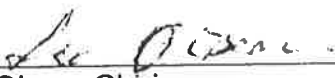
There being no further business to come before the Commission, the Planning Commission adjourned the meeting at 7:10 p.m. to the next regular meeting to be held on Thursday, November 16, 2017.

Submitted:



Norma Stein, Secretary

Attest:



Lee Olsen, Chairman