

**AGENDA**

**REGULAR MEETING OF THE PLANNING COMMISSION  
CITY OF BELL GARDENS  
CITY COUNCIL CHAMBERS, 7100 GARFIELD AVENUE  
BELL GARDENS, CALIFORNIA**

**WEDNESDAY, September 20, 2017  
6:00 P.M.**

Pursuant to the Americans with Disabilities Act, persons with a disability who require a disability-related modification or accommodation in order to participate in a meeting, including auxiliary aids or services, may request such modification or accommodation from the City Clerk at (562) 806-7706. Notification 48 business hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

***COMPLETE AGENDA PACKETS ARE AVAILABLE FOR PUBLIC INSPECTION AT THE FOLLOWING LOCATIONS: City Hall, Ross Hall Auditorium, Police Department, and Public Works Department***

**PLANNING COMMISSION**

**Tony Rivera**  
Chairperson

**Bartolome Carrillo**  
Vice- Chairperson

**Jose Hernandez**  
Commissioner

**Andrew Leon**  
Commissioner

**CITY STAFF**

**Abel Avalos**  
Director of Community  
Development

**John W. Lam**  
Assistant City Attorney

**Carmen Morales**  
City Planner

**Erika Gutierrez**  
Planning Secretary

**Hailes Soto**  
Associate Planner

**I. OPENING CEREMONIES**

- 1) Call to Order
- 2) Invocation
- 3) Pledge of Allegiance

**II. ROLL CALL**

**III. APPROVAL OF MINUTES**

July 19, 2017

**IV. PUBLIC COMMENT**

***Citizens wishing to address the Commission on any matter not on the Agenda may do so at this time. Please STATE YOUR NAME AND ADDRESS CLEARLY for the record.***

***Please note that while the Commission values your comments, pursuant to January 1, 1987 amendments of the Brown Act, the Commission cannot respond nor take any action until such time as the matter may appear as an item on a forthcoming agenda.***

**V. PUBLIC HEARING- CONTINUED ITEM**

**A. Planning Commission**

- 1. Zoning Code Amendment No. 2017-060 – Ordinance No. 884  
(File No. 2017-060)**

**Recommendation:** It is staff's recommendation that the Planning Commission adopt Planning Commission Resolution PC #2017-06 recommending the City Council:

1. Adoption of Ordinance No. 884 approving Zoning Code Amendment No. 2017-060 amending the Bell Gardens Municipal Code (Zoning) as follows:
  - a. Amend Chapter 9.12, "Commercial Zones," Section 9.12.040, "Development Standards," Table 9.12.B. "Commercial Development Standards Matrix," eliminating the requirement for a rear yard and a side yard building setback in the C-S (Commercial Service and Professional), C-3 (Medium Commercial), C-4 (Heavy Commercial), and C-M (Commercial Manufacturing) zoning districts where properties with the above said zoning abut existing non-conforming residential or open space uses.

**2. McDonald's Drive-Through Remodel  
Conditional Use Permit No. 2017-031  
5725 Florence Avenue, Bell Gardens  
(File No. 2017-031)**

It is staff's recommendation that the Planning Commission adopt Planning Commission Resolution #PC 2017-07:

1. Approving Conditional Use Permit No. 2017-031 to allow the remodel of the existing single drive-through lane layout to a side-by-side, dual drive-through lanes design at the existing McDonald's restaurant located at 5725 Florence Avenue. The approval will legalize the operation of the existing nonconforming McDonald's restaurant with a drive-through.

**Substandard Properties – None**

**VI. DISCUSSION ITEMS**

**VII. STAFF COMMENTS**

**VIII. COMMISSIONER COMMENTS**

**ADJOURNMENT**

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**MINUTES OF THE REGULAR MEETING OF THE  
PLANNING COMMISSION OF THE CITY OF BELL GARDENS  
7100 GARFIELD AVENUE, BELL GARDENS, CA 90201**

**Wednesday, July 19, 2017**

**CALL TO ORDER**

The meeting was called to order in City Hall Council Chambers by Chairperson Rivera at 6:00 p.m.

**INVOCATION & PLEDGE OF ALLEGIANCE**

Associate Planner, Hailes Soto gave the invocation.

Director of Community Development, Abel Avalos led the Pledge of Allegiance.

**ROLL CALL**

Present: Commissioner Hernandez, Vice-Chairperson Carrillo and Chairperson Rivera.

Absent: Commissioner Leon

Staff Present: Abel Avalos, Director of Community Development, John W. Lam, Assistant City Attorney, Carmen H. Morales, City Planner, Erika Gutierrez, Planning Secretary and Samantha Lubrani, Translator

**APPROVAL OF MINUTES**

Chairperson Rivera asked for a motion on the minutes of June 19, 2017. A motion was made by Vice-Chairperson Carrillo and seconded by Commissioner Hernandez to approve the minutes of June 19, 2017. Motion carried by a vote of 3-0.

**PUBLIC COMMENT**

With no one wishing to speak, Chairperson Rivera closed public comment.

Mr. Avalos stated that staff requested to move the agenda items out of order to give Commissioner Leon time to arrive to the meeting to discuss Public Hearing item No. 1. Therefore, staff would discuss Public Hearing item No. 2 followed by Public Hearing item No. 2.

Chairperson Rivera asked for a motion to move the agenda items out of order as indicated by Mr. Avalos. A motion was made by Vice-Chairperson Carrillo and seconded by Commissioner Hernandez. Motion was carried by a vote of 3-0.

## **PUBLIC HEARING**

### **A. Planning Commission**

#### **1. Zoning Code Amendment No. 2017-035- Ordinance No. 882 (File No. 2017-035) – Accessory Residential Dwelling Units**

Ms. Morales gave the presentation on Zoning Code Amendment No. 2017-035 – Ordinance No. 882.

Chairperson Rivera asked the Commission if there were any comments for staff on the Public Hearing Item.

Chairperson Rivera asked staff for clarification on the permit requirements for an accessory dwelling unit (ADU). Ms. Morales stated that a building permit is only required for ADU's that are within the existing walls of a single family dwelling unit or accessory structure. On the other hand, Ms. Morales stated that new constructed detached or attached ADU's would require approval by the Community Development Department.

Mr. Lam also indicated that all new construction requires certain documents to be submitted by current code; however with the new State Law, its purpose is to streamline and promote affordable housing and create a system to approve ADU's. Mr. Lam further indicated that the Government Code deems null and void any existing local ordinances not in conformance with the statute. Therefore, Mr. Lam stated, the City would like to adopt it's own ordinance rather than using the State Government Code.

With no questions from the Commission, Chairperson Rivera opened the public hearing.

Ms. Sofia Urica, resident at 6045 Live Oak Street approached the podium stating that she had never heard of ADU's. Ms. Urica indicated that as it is, parking is a major concern within the vicinity. Ms. Urica further indicated that the City of Bell Gardens is already over populated and by allowing ADU's, it is going to make the parking situation worse. Lastly, Ms. Urica stated that she does not understand how this would be affordable housing being that most people that make minimum wage cannot afford their rent as it is.

Mr. Avalos stated that the City of Bell Gardens has three designated affordable housing properties in the City. The most recent project that was built near the intersection of Clara and Eastern, Terra Bella Senior Apartments, designated for seniors at very low to extremely low incomes. Mr. Avalos further stated that the item proposed is not something that the City or staff undertook because it's a good idea, but rather because the State of California passed a law that states that every city must comply with this new Legislation. Mr. Avalos further indicated that as far as parking issues, the City only has so much control to regulate this issue due to the fact that the State Law does not allow staff to modify or change what the State

Legislature has adopted. Lastly, Mr. Avalos stated that when the law was first introduced, cities argued with their legislatures stating that they were not taking into account the impacts the new law would have on their neighborhoods and communities. Therefore, staff has tried to do everything possible to minimize any potential impacts. Mr. Avalos did indicate that one thing that staff was able to regulate was the minimum lot size requirement.

Ms. Urica asked about the regulation regarding the minimum lot size requirement, which is 7,500 square feet. She asked Mr. Avalos what percentage of Bell Gardens is above 7,500 square feet. Mr. Avalos stated that about 20 percent of the City would qualify for an ADU. Mr. Avalos stated that by establishing this threshold, the City would allow for the creation of affordable housing through ADU's, but not exacerbate the problem throughout the City. Ms. Morales added the new ordinance would require the lot to only have one unit and the unit would have to be owner occupied.

Ms. Urica asked staff what the standards would be for affordable housing and what would be charged for rent. Mr. Lam stated when staff referred to affordable, it wasn't meant to be a certain income requirement, but affordable in a sense of having a family member live on the property rent free or for a very low rent amount.

Commissioner Leon arrived at 6:31 p.m.

Mr. Albert Ramos, resident at 6035 Live Oak Street, approached the podium asking staff if an environmental report would be required in order move forward with the approval. Mr. Lam stated that it is not required due to the fact that under the law, CEQA only applies when there is a discretionary act involved. Mr. Lam further stated that the approval of ADU's in the future, will be considered ministerial and will be approved contingent the project meets all required items established by the Code.

Hearing no one wishing to speak on the matter, Chairperson Rivera closed the public hearing.

A motion was made by Vice-Chairperson Carrillo and seconded by Commissioner Hernandez, to approve staff recommendation of Zoning Code Amendment No. 2017-035 – Ordinance No. 882. Motion carried by a 4-0.

**2. 18 Unit Density Bonus Residential Apartment Project  
Density Bonus No. 2017-020 & Site Plan Review No. 2017-020  
5945-5953 Live Oak Street (File No. 2017-020)**

Mr. Soto gave the presentation on Density Bonus No. 2017-020 and Site Plan Review No. 2017-020.

Chairperson Rivera asked the Commission if there were any comments for staff on the Public Hearing Item.

With no questions from the Commission, Chairperson Rivera opened the public hearing.

Mr. Manuel Rincon, applicant and property owner of the project approached the podium stating that his intent is to beautify the City itself and would like to have the City's support in approving this project.

Mr. Albert Ramos, approached the podium stating that his father is a property owner in the City and stated that he is not against providing housing in the City of Bell Gardens; however he feels that building 18 units is a substantial amount especially because the project will be three stories high. Mr. Ramos further stated that parking is already an issue within the vicinity and stated that the current properties that exist nearby are very historical craftsman style houses. He then stated that he would rather see the City open a museum just like other cities have done in the past with historical properties.

Ms. Julia Provolic, resident at 6480 Fry Street approached the podium expressing her concerns about parking issues within the vicinity. Ms. Provolic stated that there is a five unit complex to the west of her property and that they have a total of 21 vehicles, as well as trash issues. Ms. Provolic stated that this new development proposal will cause a big impact to the neighborhood.

Mr. Ramos approached the podium asking the Commission if this item would be approved during the meeting or would it get tabled for further discussion. Mr. Lam stated that this item was being considered for approval. Mr. Ramos asked Mr. Lam if this item could be tabled for further discussion at a later date and was advised that there is a process to appeal the Planning Commission decision. Mr. Ramos then asked Mr. Lam if the appeal could be a reason to cancel the proposal. Mr. Lam replied by stating that this project is based on Density Bonus Law by which the State requires cities to grant concessions that would allow additional units to be constructed in exchange for affordable units. Mr. Lam further explained that in this case, two units would be restricted to very low income residents. Mr. Avalos also indicated that there are certain elements to this project that are out of staff's control, for example the State Law states that any project that provides the required percentage of affordable units, is eligible for certain incentives which Mr. Soto identified were building height, lot coverage and building setbacks. Mr. Avalos further clarified what very low income meant and stated that two of the 3 bedroom, 2 bathroom units would be restricted and the rent amount could not exceed \$750.00 a month. Mr. Avalos added that this restriction would be in place for 55 years. Mr. Avalos further indicated that a deed restriction would be placed on the property that would be monitored and enforced.

As far as the parking issue, Mr. Avalos indicated that the State law has a very flexible standard for developers being that if they meet the affordability standard of the two units, they are entitled to a reduced parking standard, which is providing two parking spaces per unit under Density Bonus Law. Lastly, Mr. Avalos stated that an advantage the City has in this project is the requirement for a parking management agreement to monitor the parking on-site to ensure

that residents are using the garage for parking only by having routine inspections as well as having on-site property management.

Mr. Ramos mentioned that another concern he had was that the project would be built in the middle of the street. Mr. Avalos stated that the zoning designation on the property allows for high density residential projects like this one, the code does not identify projects based on mid blocks or corner lots. Mr. Avalos further stated that as long as the project complies with the development standards of that particular zone designation, the applicant has the right to build higher density projects.

Hearing no one else wishing to speak on the matter, Chairperson Rivera closed the public hearing.

Commissioner Leon stated that the Commission did their best to try to limit the impact this project would have in the community and stated that the City, in general, is composed of mostly multi-family residential units versus single family dwelling units.

A motion was made by Vice-Chairperson Carrillo and seconded by Commissioner Leon, to approve staff recommendation of Density Bonus No. 2017-020 and Site Plan Review No. 2017-020. Motion carried by a 4-0.

#### **B. Substandard Properties – None**

#### **DISCUSSION ITEMS – None**

#### **STAFF INFORMATION ITEMS**

Mr. Avalos stated that staff, as well as the Commission, is often placed in difficult positions where staff is asked to implement rules regarding legislation that may not be beneficial to the City. Mr. Avalos reiterated that staff has done all that could be done to try to minimize any impacts and has tried to make this project the best possible for our Community.

#### **COMMISSION INFORMATION ITEMS**

Chairperson Rivera thanked staff for their hard work in the staff reports and stated that it is very difficult on the Commission to come across these types of projects, but at the same time, the State Law housing requirements must be met by the City.

#### **ADJOURNMENT**

Chairperson Rivera made a motion to adjourn the meeting at 7:31 p.m.

#### **RECORDED BY:**

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ERIKA GUTIERREZ, PLANNING SECRETARY

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**CITY OF BELL GARDENS  
COMMUNITY DEVELOPMENT DEPARTMENT**

**AGENDA REPORT**

**TO:** Planning Commissioners

**FROM:** Abel Avalos, Director of Community Development 

**BY:** Carmen H. Morales, City Planner 

**SUBJECT:** Zoning Code Amendment No. 2017-060 - Ordinance No. 884  
(File No. 2017-060)

**DATE:** September 20, 2017

**RECOMMENDATION:**

It is recommended that the Planning Commission adopt Resolution #PC 2017-06 recommending the following action to the City Council:

1. Adoption of Ordinance No. 884 approving Zoning Code Amendment No. 2017-060 amending the Bell Gardens Municipal Code (Zoning) as follows:
  - a. Amend Chapter 9.12, "Commercial Zones," Section 9.12.040, "Development Standards," Table 9.12.B. "Commercial Development Standards Matrix," eliminating the requirement for a rear yard and a side yard building setback in the C-S (Commercial Service and Professional), C-3 (Medium Commercial), C-4 (Heavy Commercial), and C-M (Commercial Manufacturing) zoning districts where properties with the above said zoning abut existing nonconforming residential or open space uses.

**BACKGROUND:**

In 2007 the City Council adopted a comprehensive Zoning Code Update establishing land use and development regulations for commercial land uses within the C-S, C-3, C-4, and C-M zones ("Commercial Zones") in the City. The City's current Zoning Code allows for a zero foot rear yard and side yard building setback in the Commercial Zones except that a 10 foot (20 foot in the C-S zone) rear yard, and 10 foot side yard building setback are required if a commercial zoned property is adjacent to a residential or open space use or zone.

On November 10, 2014 the City Council adopted Ordinance No. 847, per the Planning Commission recommendation, approving a similar Zoning Code Amendment for the M-1 (Light Industrial) zone to eliminate the requirement for a side yard and rear yard setback for industrial properties located adjacent to a nonconforming residential or open space use. During the Planning Commission public hearing for Ordinance No. 847, a number

of property owners requested that a similar development standard be implemented for commercial zoned properties.

Zoning Code Amendment No. 2017-060 is proposed to eliminate the requirement for a 10 or 20 foot rear yard building setback and 10 foot side yard building setback for a commercial development located adjacent to an existing nonconforming residential or open space use. However, in certain instances where a nonconforming residential use has habitable area located adjacent to a shared property line with a commercial use, a zero side yard building setback could impact access to light and air for the adjacent nonconforming residential use. For this reason Zoning Code Amendment 2017-060 proposes a requirement for a five foot side yard setback along the entire shared side property line to be provided where a commercial building would be adjacent to habitable area of a nonconforming residential use.

**ANALYSIS:**

The purpose of proposed Zoning Code Amendment No. 2017-060 is to provide greater development flexibility in the commercial zoning districts, allowing property owners to fully develop their properties and to fully implement the purpose and intent of the commercial zoning districts. The City's Zoning Code does not permit development of a residential or open space land use in commercial zones, however a residential or open space use legally existing in a commercial zone at the time of adoption of the Zoning Code is considered legal nonconforming and permitted to remain in place. At such time that an existing nonconforming residential or open space use is phased out, no new residential or open space land use would be permitted on the commercial zoned property, and only development of a new commercial use would be permitted.

Commercial zoned properties are predominantly located along the major commercial corridors of Eastern Avenue, Gage Avenue, Florence Place, Florence Avenue, and Garfield Avenue. In some cases a few commercial zoned properties located at the intersection of a major commercial corridor also have frontage on one of the intersecting streets of Watcher Street, Ajax Street, Lubec Street, Darwell Avenue, Specht Avenue, Clara Street, Shull Street, Jaboneria Road, Live Oak Street, Toler Avenue, Quinn Street, Cecilia Street or Buell Street. Staff conducted a survey of all commercial zoned properties to identify instances where an existing nonconforming residential or open space use exists on a property adjacent to the rear or side property line of a developed or vacant commercial property, and evaluated the potential for that commercial property to be developed to its rear or side property line.

Of all the commercial zoned properties evaluated there were no instances of any existing nonconforming open space uses, therefore staff determined no land use incompatibilities would result from the elimination of the Zoning Code requirement for a rear yard and side yard building setback for commercial uses adjacent to an existing nonconforming open space use. Staff also evaluated all commercial zoned properties developed with nonconforming residential uses adjacent to vacant or underdeveloped commercial zoned properties in order to identify which residential uses, if any, could be affected by development of an adjacent commercial use without a rear yard or side yard building setback. Of all the commercial zoned properties evaluated, the following are locations where nonconforming residential development exists adjacent to the rear and/or side property line of a commercial zoned property.

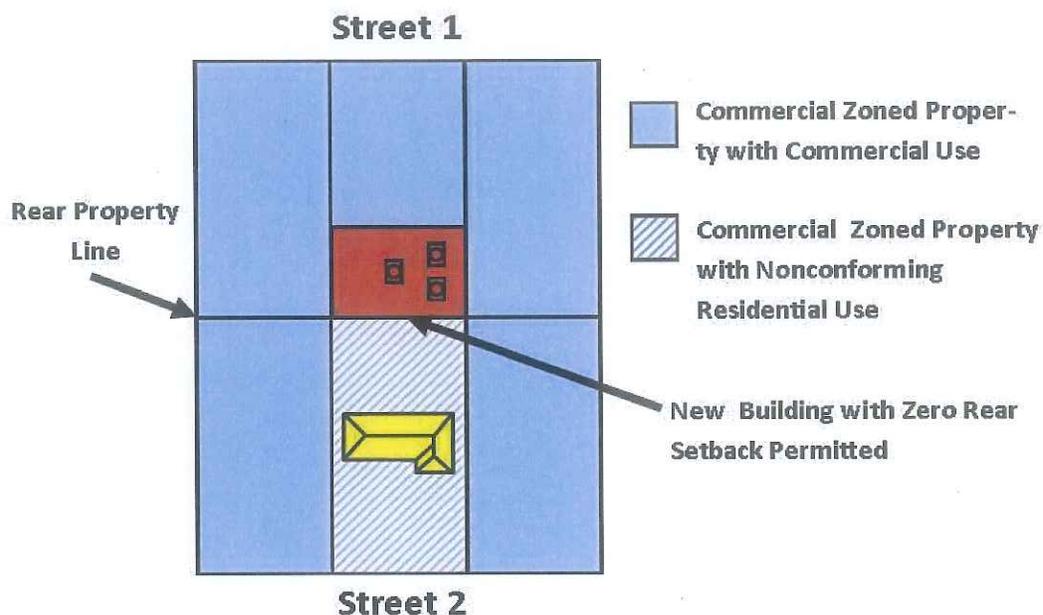
Table No. 1

<b>Street Location</b>	<b>Number of Properties with Nonconforming Residential Uses</b>	<b>Number of Properties with Incompatibility Issues</b>
Eastern Avenue	66	37
Gage Avenue	29	22
Specht Avenue	1	1
Ajax Avenue	1	0
Clara Street	2	0
Shull Street	3	3
Jaboneria Road	1	1
Florence Avenue	24	10
Live Oak Street	1	0
Florence Place	2	1
Toler Avenue	1	0
Garfield Avenue	28	11
Quinn Street	1	1
Cecilia Street	1	0
Buell Street	3	3
<b>Total</b>	<b>164</b>	<b>89</b>

Rear Yard Setback Analysis

The above locations were evaluated to determine whether any potential land use incompatibility issues would arise with development of a commercial use with a zero foot rear yard setback located adjacent to a nonconforming residential use. Of the 164 properties with nonconforming residential uses, staff did not identify any instances of potential land use incompatibility associated with the proposal to eliminate the requirement for a rear yard building setback and to allow a zero foot rear yard building setback. Staff recommends eliminating the requirement for a 10 or 20 foot rear yard building setback and permitting a zero foot rear yard setback for commercial uses on properties located adjacent to properties with nonconforming residential uses as illustrated in Diagram No. 1.

Diagram No. 1

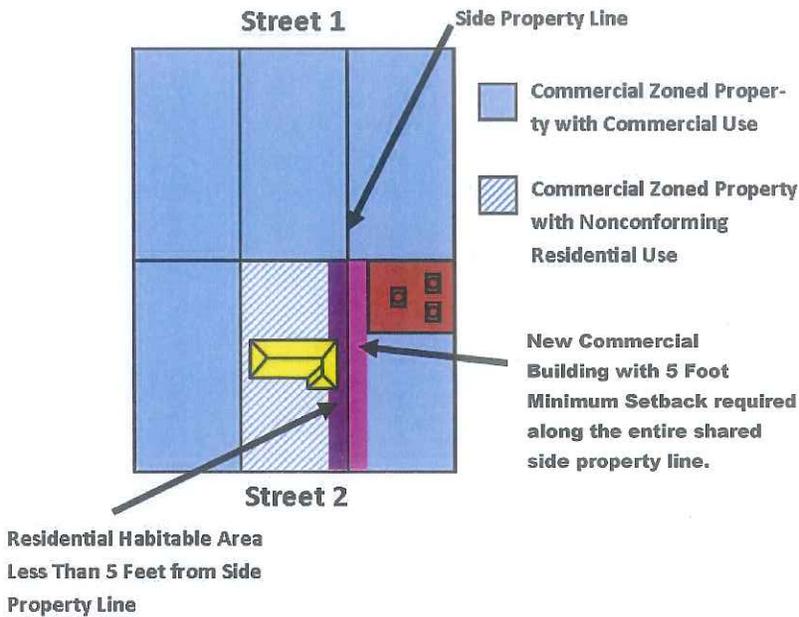


### Side Yard Setback Analysis

The locations were evaluated to determine whether any potential land use incompatibility issues would arise as a result of the future development of commercial uses with a zero foot side yard setback when located adjacent to nonconforming residential uses. Of the 164 properties evaluated with nonconforming residential uses, 75 properties were determined to not have any land use incompatibility resulting from eliminating the 10 foot side yard building setback requirement and permitting a zero foot side yard building setback. A total of 89 properties were determined to have potential incompatibility issues with habitable residential space located either on or within five feet of the side property line. In these instances, the development of a new commercial building with a zero foot side yard building setback at the shared property line could negatively affect accessibility to light and air circulation for the adjacent nonconforming residential use.

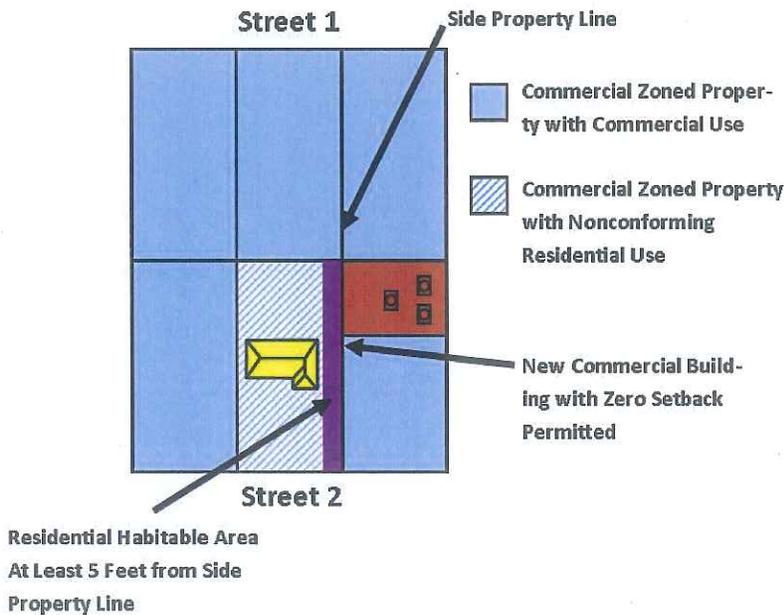
In instances where a commercial use is proposed on a property adjacent to a nonconforming residential use with habitable area located less than five feet from the shared side property line, staff recommends that a five foot side yard building setback be required along the entire shared side property line for the commercial use as illustrated in Diagram No. 2.

Diagram No. 2



In instances where a commercial use is proposed on a property adjacent to a nonconforming residential use with habitable area located at least five feet from the shared side property line, staff recommends that a zero foot side yard building setback be permitted for the commercial use as illustrated in Diagram No. 3.

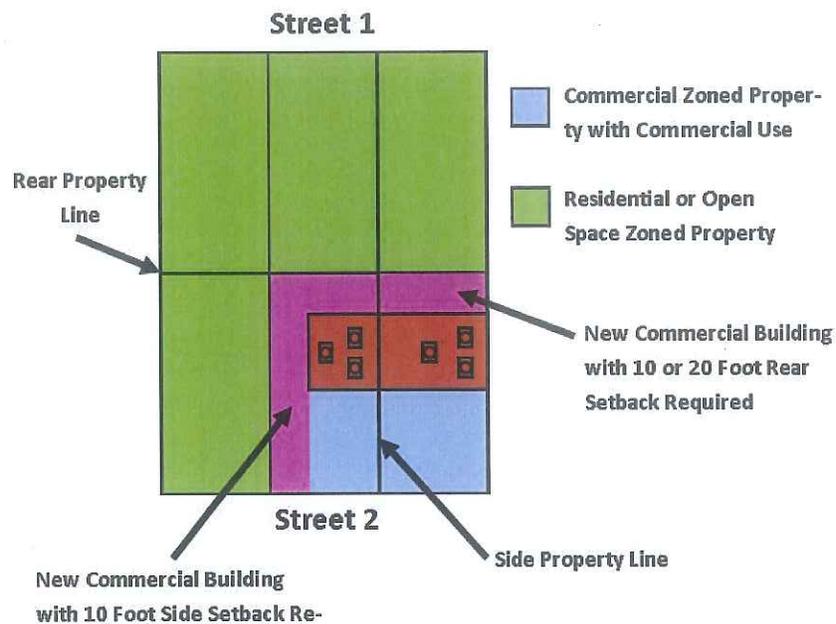
Diagram No.3



Requirement for 10 or 20 Foot Rear Yard and Side Yard Setback Adjacent to a Residential Zone or Open Space Zone

Staff recommends that the Zoning Code requirement for a 10 or 20 foot rear yard setback and 10 foot side yard setback for commercial uses adjacent to a residential zone or open space zone be retained as illustrated in Diagram No.4.

Diagram No. 4



The adoption of Ordinance No. 884 would amend Zoning Code Table 12.B "Commercial Development Standards Matrix" as follows:

1. Eliminate the requirement for a 10 or 20 foot rear yard building setback and permit a zero foot rear yard building setback for a commercial use in a commercial zone located adjacent to an existing nonconforming residential or open space use on a property zoned Commercial.
2. Eliminate the requirement for a 10 foot side yard building setback and permit a zero foot side yard building setback for a commercial use in a commercial zone located adjacent to an existing nonconforming residential or open space use on a property zoned Commercial, except that a five foot side yard building setback along the entire shared side yard property line would be required in instances where a commercial use is proposed adjacent to a nonconforming residential use with habitable area located within five feet of a shared side property line.
3. Retain the requirement for a 10 or 20 foot rear yard and 10 foot side yard building setback for a commercial use when adjacent to a residential or open space zone.

**ENVIRONMENTAL REVIEW:**

Zoning Code Amendment No. 2017-060 recommending the City Council adoption of Ordinance No. 884 is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(2), constituting an activity that will not result in a direct or reasonably foreseeable indirect physical change in the environment, and pursuant to Section 15060(c)(3) constituting an activity that is not a project as defined in Section 15378.

**CONCLUSION:**

Staff recommends that the Planning Commission adopts Resolution #PC 2017-06 recommending to the City Council approval of Zoning Code Amendment No. 2017-060 and adoption of Ordinance No. 884 eliminating the required 10 foot and 20 foot rear yard building setback and 10 foot side yard building setback and permitting a zero foot rear yard and zero foot side yard building setback between a commercial use and a nonconforming residential or open space use in a commercial zone.

**FISCAL IMPACT:**

None

**ATTACHMENTS:**

Exhibit A - Planning Commission Resolution #PC 2017-06

Exhibit B - Ordinance No. 884

Exhibit C - Public Hearing Notice

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# **EXHIBIT A**

**Resolution  
#PC 2017-06**

**RESOLUTION #PC 2017-06**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELL GARDENS RECOMMENDING CITY COUNCIL APPROVAL OF ZONING CODE AMENDMENT NO. 2017-060 AMENDING THE CITY OF BELL GARDENS MUNICIPAL CODE, TITLE 9, ZONING AND PLANNING REGULATIONS, CHAPTER 9.12, "COMMERCIAL ZONES," SECTION 9.12.040, "DEVELOPMENT STANDARDS TABLE 9.12.B; COMMERCIAL DEVELOPMENT STANDARDS MATRIX," TO ELIMINATE THE REQUIREMENT FOR A REAR YARD AND SIDE YARD BUILDING SETBACK IN THE C-S (COMMERCIAL SERVICE), C-3 (MEDIUM COMMERCIAL), C-4 (HEAVY COMMERCIAL), AND C-M (COMMERCIAL MANUFACTURING) ZONING DISTRICTS WHERE PROPERTIES WITH THE ABOVE SAID ZONING ABUT EXISTING NONCONFORMING RESIDENTIAL OR OPEN SPACE USES (ZONING CODE AMENDMENT 2017-060)**

**WHEREAS**, the City of Bell Gardens ("City") is a general law city, incorporated under the laws of the State of California;

**WHEREAS**, pursuant to its police power, the City may enact and enforce laws within its boundaries which promote the public health, morals, safety, or general welfare of the community, and are not in conflict with general laws;

**WHEREAS**, comprehensive zoning regulations lie within the police power of the City;

**WHEREAS**, the City's Zoning Code does not permit development of residential or open space land use in the C-S (Commercial Service); C-3 (Medium Commercial); C-4 (Heavy Commercial); or C-M (Commercial Manufacturing) zones, but does allow for residential or open space uses legally established at the time of the adoption of the Zoning Code to remain indefinitely as nonconforming uses in the City;

**WHEREAS**, the City's Zoning Code establishes development regulations and standards for the C-S, C-3, C-4, and C-M zones which include requirements for a 10 or 20 foot rear yard building setback and a 10 foot side yard building setback when a commercial zoned property is located adjacent to a residential or open space use or zone;

**WHEREAS**, the City has determined that the 10 or 20 foot rear yard building setback and 10 foot side yard building setback requirement for a property zoned for commercial use and located adjacent to an existing nonconforming residential or open space land use represents a constraint to the development of those properties in the City;

**WHEREAS**, the City, after careful evaluation of the potential impacts to existing nonconforming residential land use associated with the elimination of the required 10 or 20 foot rear yard building setback and 10 foot side yard building setback for commercial land use adjacent to an existing nonconforming residential use, has determined that land use compatibility would be maintained between a commercial development and adjacent nonconforming residential use with the elimination of the rear yard and side yard building setback requirements except that in certain instances where a nonconforming residential use has habitable area located within five feet of the shared side property line, commercial uses with a zero side yard building setback could impact access to light and air for the adjacent nonconforming residential use;

**WHEREAS**, the City after careful evaluation has determined that there are no instances of existing nonconforming open space land use within the C-S, C-3, C-4, and C-M zones, and has therefore determined that no impacts would occur with the elimination of the rear yard and side yard building setback requirements for commercial uses located adjacent to nonconforming open space use in a commercial zone;

**WHEREAS**, the City finds it necessary to revise the C-S, C-3, C-4, and C-M zoning development standards to eliminate the requirement for a 10 or 20 foot rear yard building setback and 10 foot side yard building setback and permit a zero foot rear yard and zero foot side yard building setback for a commercial building on a commercial zoned property located adjacent to an existing nonconforming residential or open space use on a commercial zoned property within the City, except that a five foot side yard building setback would be required along the entire shared side yard property line in instances where a proposed commercial use would be located adjacent to habitable area of a nonconforming residential use located within five feet of the shared side property line;

**WHEREAS**, on August 16, 2017 after conducting a properly noticed public hearing, the Bell Gardens Planning Commission adopted Resolution #PC 2017-06 recommending that the City Council approve Zoning Code Amendment No. 2017-060 and adopt Ordinance No. 884 amending the Bell Gardens Municipal Code (Zoning) to eliminate the requirement for a 10 or 20 foot rear yard and 10 foot side yard building setback and permit a zero foot rear yard and zero foot side yard building setback for commercial uses located adjacent to existing nonconforming residential or open space uses in a C-S, C-3, C-4, or C-M zone, except that a five foot side yard building setback would be required along the entire shared side yard property line in instances where a proposed commercial use would be located adjacent to habitable area of a nonconforming residential use located within five feet of the shared side property line.

**NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF BELL GARDENS HEREBY RESOLVES AND DETERMINES AS FOLLOWS:**

**SECTION 1.** In recommending approval of Zoning Code Amendment No. 2017-060 and adoption of Ordinance No. 884 the Planning Commission finds as follows:

- i. The above recitals are true and correct and hereby incorporates them herein by this reference.
- ii. Ordinance No. 884 serves the public health, safety, and welfare of the residents and businesses within the City to regulate land use within the City.
- iii. Ordinance No. 884 is consistent with the City's General Plan.
- iv. Ordinance No. 884 amending the City of Bell Gardens Municipal Code, will not present any risk to the public health and safety.

**SECTION 2.** The Planning Commission hereby adopts this Resolution recommending to the City Council the approval of Zoning Code Amendment No. 2017-060 and adoption of Ordinance No. 884.

**SECTION 3.** Zoning Code Amendment No. 2017-060 recommending City Council adoption of Ordinance No. 884 is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(2), constituting an activity that will not result in a direct or reasonably foreseeable indirect physical change in the environment, and pursuant to Section 15060(c)(3) constituting an activity that is not a project as defined in Section 15378.

**SECTION 4.** The Planning Commission of the City of Bell Gardens hereby transmits and recommends to the City Council approval of Zoning Code Amendment 2017-060 and adoption of Ordinance No. 884 amending the Bell Gardens Municipal Code (Zoning and Planning).

*[Signatures on the following page]*

**PASSED, APPROVED AND ADOPTED this 20th day of September 2017.**

\_\_\_\_\_  
TONY RIVERA, *CHAIRPERSON*

ATTEST:

\_\_\_\_\_  
*ERIKA GUTIERREZ, PLANNING SECRETARY*

APPROVED AS TO FORM:

ALVAREZ-GLASMAN & COLVIN

\_\_\_\_\_  
*JOHN LAM, ASSISTANT CITY ATTORNEY*

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# **EXHIBIT B**

## **Ordinance No. 884**

**ORDINANCE NO. 884**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELL GARDENS AMENDING THE CITY OF BELL GARDENS MUNICIPAL CODE, TITLE 9, ZONING AND PLANNING REGULATIONS, CHAPTER 9.12, "COMMERCIAL ZONES," SECTION 9.12.040, "DEVELOPMENT STANDARDS TABLE 9.12.B; COMMERCIAL DEVELOPMENT STANDARDS MATRIX," TO ELIMINATE THE REQUIREMENT FOR A REAR YARD AND SIDE YARD BUILDING SETBACK IN THE C-S (COMMERCIAL SERVICE), C-3 (MEDIUM COMMERCIAL), C-4 (HEAVY COMMERCIAL), AND C-M (COMMERCIAL MANUFACTURING) ZONING DISTRICTS WHERE PROPERTIES WITH THE ABOVE SAID ZONING ABUT EXISTING RESIDENTIAL OR OPEN SPACE USES (ZONING CODE AMENDMENT 2017-060)**

**WHEREAS**, the City of Bell Gardens ("City") is a general law city, incorporated under the laws of the State of California;

**WHEREAS**, pursuant to its police power, the City may enact and enforce laws within its boundaries which promote the public health, morals, safety, or general welfare of the community, and are not in conflict with general laws;

**WHEREAS**, comprehensive zoning regulations lie within the police power of the City;

**WHEREAS**, the City's Zoning Code does not permit development of residential or open space land use in the C-S (Commercial Service); C-3 (Medium Commercial); C-4 (Heavy Commercial); or C-M (Commercial Manufacturing) zones, but does allow for residential or open space uses legally established at the time of the adoption of the Zoning Code to remain indefinitely as nonconforming uses in the City;

**WHEREAS**, the City's Zoning Code establishes development regulations and standards for the C-S, C-3, C-4, and C-M zones which include requirements for a 10 or 20 foot rear yard building setback and a 10 foot side yard building setback when a commercial zoned property is located adjacent to a residential or open space use or zone;

**WHEREAS**, the City has determined that the 10 or 20 foot rear yard building setback and 10 foot side yard building setback requirement for a property zoned for commercial use and located adjacent to an existing nonconforming residential or open space land use represents a constraint to the development of those properties in the City;

**WHEREAS**, the City, after careful evaluation of the potential impacts to existing nonconforming residential land use associated with the elimination of the required 10 or 20 foot rear yard building setback and 10 foot side yard building setback for commercial land use adjacent to an existing nonconforming residential use, has determined that land use compatibility would be maintained between a commercial development and adjacent nonconforming residential use with the elimination of the rear yard and side yard building setback requirements except that in certain instances where a nonconforming residential

use has habitable area located within five feet of the shared side property line, commercial uses with a zero side yard building setback could impact access to light and air for the adjacent nonconforming residential use;

**WHEREAS**, the City after careful evaluation has determined that there are no instances of existing nonconforming open space land use within the C-S, C-3, C-4, and C-M zones, and has therefore determined that no impacts would occur with the elimination of the rear yard and side yard building setback requirements for commercial uses located adjacent to nonconforming open space use in a commercial zone;

**WHEREAS**, the City finds it necessary to revise the C-S, C-3, C-4, and C-M zoning development standards to eliminate the requirement for a 10 or 20 foot rear yard building setback and 10 foot side yard building setback and permit a zero foot rear yard and zero foot side yard building setback for a commercial building on a commercial zoned property located adjacent to an existing nonconforming residential or open space use on a commercial zoned property within the City, except that a five foot side yard building setback would be required along the entire shared side yard property line in instances where a proposed commercial use would be located adjacent to habitable area of a nonconforming residential use located within five feet of the shared side property line;

**WHEREAS**, on August 16, 2017 after conducting a properly noticed public hearing, the Bell Gardens Planning Commission adopted Resolution #PC 2017-06 recommending that the City Council approve Zoning Code Amendment No. 2017-060 and adopt Ordinance No. 884 to amend the Bell Gardens Municipal Code (Zoning) to eliminate the requirement for a 10 or 20 foot rear yard and 10 foot side yard building setback and permit a zero foot rear yard and zero foot side yard building setback for commercial uses located adjacent to existing nonconforming residential or open space uses in a C-S, C-3, C-4, or C-M zone, except that a five foot side yard building setback would be required along the entire shared side yard property line in instances where a proposed commercial use would be located adjacent to habitable area of a nonconforming residential use located within five feet of the shared side property line;

**WHEREAS**, on \_\_\_\_ 2017, the City Council conducted a duly noticed public hearing, received public testimony, and considered Zoning Code Amendment No. 2017-060 and Ordinance No. 884 to amend the Bell Gardens Municipal Code (Zoning) to revise rear yard and side yard building setback requirements in the City.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BELL GARDENS DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** Findings & Purpose. In adopting this Ordinance, the City Council finds and declares as follows:

- i. The above recitals are true and correct and hereby incorporates them herein by this reference.
- ii. Ordinance No. 884 serves the public health, safety, and welfare of the residents and businesses within the City to regulate land use within the City.

- iii. Ordinance No. 884 is consistent with the City’s General Plan.
- iv. Ordinance No. 884 amending the City of Bell Gardens Municipal Code, will not present any risk to the public health and safety.

**SECTION 2.** Chapter 9.12, “Commercial Zones,” Section 9.12.040, “Development Standards,” Table 9.12.B. “Industrial Development Standards Matrix,” is hereby amended and enacted as follows:

**Table 9.12B: Commercial Development Standards Matrix**

Development Standards	M-U	C-S	C-3	C-4	C-M
<b>Yard Setbacks</b>					
Front	5 for commercial and 15 for residential	15	5	5	5
Side (4)	None for commercial and 5 for residential	10 or none <u>10' if adjacent to a residential or open space zone</u> otherwise none <u>(2)(3)</u>	10 or none <u>10' if adjacent to a residential or open space zone</u> otherwise none <u>(2)(3)</u>	10 or none <u>10' if adjacent to a residential or open space zone</u> otherwise none <u>(2)(3)</u>	10 or none <u>10' if adjacent to a residential or open space zone</u> otherwise none <u>(2)(3)</u>
Street Side	10	10	10	10	10
Rear (4)	10 <u>(1)</u>	20 or none <u>20' if adjacent to a residential or open space zone</u> otherwise none <u>(2)</u>	10 or none <u>10' if adjacent to a residential or open space zone</u> otherwise none <u>(2)</u>	10 or none <u>10' if adjacent to a residential or open space zone</u> otherwise none <u>(2)</u>	10 or none <u>10' if adjacent to a residential or open space zone</u> otherwise none <u>(2)</u>
Allowable Yard Projections	Refer to BGMC <a href="#">9.46.050</a>				

Note: All standards are given in feet and address minimum requirements unless otherwise stated.

- (1) ~~Side and r~~ Rear yard setbacks are only required if adjacent to a residential or open space zone or use. Otherwise, zero lot line is allowed ~~in these yard areas~~. If not applicable and a rear setback is still desired, it must be a minimum setback of five feet from side or rear property lines to prevent narrow and unsecured spaces between buildings and property lines.
- (2) If a setback is still desired, it must be a minimum setback of five feet from side or rear property lines to prevent narrow and unsecured spaces between buildings and property lines.
- (3) When located adjacent to a residential use with habitable area located less than five feet from a shared side property line, a minimum setback of five feet shall be provided along the entire shared side yard property line.

**SECTION 4.** CEQA. City Council approval of Zoning Code Amendment 2017-060 and adoption of Ordinance No. 884 are not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(2), constituting an activity that will not result in a direct or reasonably foreseeable indirect physical change in the environment, and pursuant to Section 15060(c)(3) constituting an activity that is not a project as defined in Section 15378.

**SECTION 5.** If any section, subsection, subdivision, sentence, clause, phrase or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

**SECTION 6.** To the extent the provisions of the Bell Gardens Municipal Code as amended by this Ordinance are substantially the same as the provisions of that Code as they read immediately prior to the adoption of this Ordinance, then those provisions shall be construed as continuations of the earlier provisions and not as new enactments.

**SECTION 7.** The City Clerk shall certify to the adoption of this Ordinance and cause the same to be published in the manner prescribed by law.

**PASSED, APPROVED, AND ADOPTED** this \_\_\_\_ day of \_\_\_\_ 2017.

\_\_\_\_\_  
Pedro Aceituno, Mayor

**ATTEST:**

\_\_\_\_\_  
Kristina Santana, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Arnold M. Alvarez-Glasman, City Attorney

# **EXHIBIT C**

## **Public Hearing Notice**

**POSTED**  
8/3/17  
EG.

**CITY OF BELL GARDENS  
NOTICE OF PUBLIC HEARING  
ZONING CODE AMENDMENT NO. 2017-060 – ORDINANCE NO. 884 RELATING TO  
REAR AND SIDE YARD COMMERCIAL BUILDING SETBACK REQUIREMENTS  
(FILE NO. 2017-060)**

Notice is hereby given that the Planning Commission of the City of Bell Gardens will conduct a public hearing to consider recommending Zoning Code Amendment No. 2017-060 to the City Council for the adoption of Ordinance No. 884 amending Bell Gardens Municipal Code 9.12, "Commercial Zones," Section 9.12.040, "Development Standards," Table 9.12.B. "Commercial Development Standards Matrix," eliminating the requirement for a rear yard and a side yard building setback in the C-S (Commercial Service and Professional), C-3 (Medium Commercial), C-4 (Heavy Commercial), and C-M (Commercial/Manufacturing) zoning districts where properties with the above said zoning abut existing non-conforming residential or open space uses.

Zoning Code Amendment No. 2017-060 recommending City Council adoption of Ordinance No. 884 is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(2), constituting an activity that will not result in a direct or reasonably foreseeable indirect physical change in the environment, and pursuant to Section 15060(c)(3) constituting an activity that is not a project as defined in Section 15378.

The public hearing will be held at the regular Planning Commission meeting of the City of Bell Gardens, in Council Chambers at City Hall, 7100 Garfield Avenue, Bell Gardens, CA 90201, on Wednesday, August 16, 2017 at 6:00 P.M., at which time proponents and opponents of the proposed Zoning Code Amendment No. 2017-060 and Ordinance No. 884 may be heard. Questions may be directed to the Community Development Department at (562) 806-7700, extension 7722.

Per Government Code Section 65009, if you challenge this Zoning Code Amendment No. 2017-060 and Ordinance No. 884 in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the Planning Commission at or prior to the public hearing.

**THE PLANNING COMMISSION**

Tony Rivera, Chairperson

**Published: Bell Gardens Thursday, August 3, 2017**

**Posted: August 3, 2017**

Bell Gardens City Hall

Bell Gardens John Anson Ford Park

Bell Gardens Veterans Park - Ross Hall Auditorium

Bell Gardens Department of Public Works



# CITY OF BELL GARDENS COMMUNITY DEVELOPMENT DEPARTMENT

## AGENDA REPORT

**TO:** Planning Commissioners

**FROM:** Abel Avalos, Director of Community Development  
Carmen H. Morales, City Planner *AA* *CHM*

**BY:** Hailes H. Soto, Associate Planner *H.S.*

**SUBJECT:** McDonald's Drive-Through Remodel  
Conditional Use Permit No. 2017-031  
5725 Florence Avenue, Bell Gardens

**DATE:** September 20, 2017

### RECOMMENDATION:

It is staff's recommendation that the Planning Commission adopt Planning Commission Resolution #PC 2017-07 (Exhibit A):

1. Approving Conditional Use Permit No. 2017-031 to allow the remodel of the existing single drive-through lane layout to a side-by-side, dual drive-through lanes design at the existing McDonald's restaurant located at 5725 Florence Avenue ("Project"). The approval will legalize the operation of the existing nonconforming McDonald's restaurant with a drive-through.

### BACKGROUND AND SITE DESCRIPTION:

The Subject Site (APN: 6328-015-055) located at 5725 Florence Avenue of approximately 22,800 square feet is currently developed with a 3,896 square foot McDonald's restaurant and associated surface level parking lot that includes 17 parking stalls. The McDonald's restaurant has operated at this location since 1988 after the Planning Commission approved Site Plan Review No. 180 in 1987 for the construction of the fast food restaurant with a drive-through. The Subject Site is currently zoned C-4 (Heavy Commercial) with a General Plan Land Use Designation of "Regional Commercial."

Robert Howard of AECOM ("Applicant") on behalf of McDonald's franchise owner Redondo Enterprises, LLC ("Owner") originally approached the City in 2015 and inquired about remodeling the Subject Site. The Applicant was advised that the existing restaurant did not hold a Conditional Use Permit to operate the business and therefore, the present use is considered legal nonconforming. Prior to 2007, restaurants and other eating establishments, with or without a drive-through, were permitted as principle uses in the C-4 zone. The Applicant did not obtain a Conditional Use Permit in the 1980's because the Bell Gardens Municipal Code did not require a Conditional Use Permit to operate such a business. In 2007, the City adopted a comprehensive Zoning Code

Update establishing land use and development regulations for all zones in the City including restaurants and other eating establishments. The Zoning Code Update included differentiating restaurants and other eating establishments by classifying those with a drive-through as conditionally permitted uses in the C-4 zone. As such, in 2007 all existing restaurants with a drive-through in the City of Bell Gardens became legal nonconforming, since none had a Conditional Use Permit. In order for the Applicant to obtain approval for the drive-through remodel on the Subject Site, a Conditional Use Permit must be first approved by the Planning Commission in accordance with the provisions contained in the Bell Gardens Municipal Code to legalize the operation of the McDonald's drive-through restaurant and rectify the legal nonconformity that currently exists at the Subject Site.

The existing single drive-through lane wraps around the north, west and south elevations of the building. Access to the parking lot areas are gained from multiple driveways on Florence Avenue, Eastern Avenue and Ajax Avenue (Exhibit B). In 2016, McDonald's completed an interior and façade remodel which was administratively approved. The original McDonald's façade resembled an architectural style typical of the 1980's with cornice bands at the parapet, stucco and brick walls, and clay tile roofing material on the mansard roof. The Applicant remodeled the building with a contemporary commercial style that adheres to the current design scheme of McDonald's. The remodeled building has stucco walls, stone veneer, metal canopies and LED exterior lighting fixtures. The interior remodel included: ADA compliant restrooms and new finishes throughout the space.

Surrounding properties are zoned as follows:

Table No. 1. Surrounding Land Uses

<b>North</b>	
Zone	C-4: Heavy Commercial
General Plan	Regional Commercial
Use	Los Jardines Shopping Center, Toys"R"Us retail store and Sherwood strip mall

<b>East</b>	
Zone	C-4: Heavy Commercial
General Plan	Regional Commercial
Use	Kentucky Fried Chicken and Ajax Avenue

<b>South</b>	
Zone	C-4: Heavy Commercial
General Plan	Regional Commercial
Use	Florence Avenue and Village Square Shopping Center

<b>West</b>	
Zone	C-4: Heavy Commercial
General Plan	Regional Commercial
Use	Eastern Avenue and Bell Gardens Marketplace Shopping Center

**PROJECT DESCRIPTION:**

The Applicant is requesting approval to allow the remodel of the existing single drive-through lane layout to a side-by-side, dual drive-through lanes design at the existing McDonald's restaurant located at the Subject Site. The approval will also legalize the operation of the existing nonconforming McDonald's restaurant with a drive-through.

The Project also includes new digital display boards, alterations to the existing landscaping areas, modifying the trash enclosure, and upgrading curb-cuts and parking. McDonald's will continue to operate 24 hours a day, seven days a week.

In addition, the Project proposes relocating an existing light pole standard to accommodate the wider dual drive-through lanes. The adjoining landscape planters will be modified by connecting two separate landscape planter areas into a single site. The Applicant will be submitting landscape and irrigation plans for the entire site which will be reviewed and approved separately. The existing trash enclosure will be refurbished to meet the current City standards. In addition, the existing concrete drive through lane will be replaced with new concrete.

**ANALYSIS:**

Conditional Use Permits provide some reasonable flexibility in the City's zoning regulations while maintaining the overall objectives of its General Plan. Selected uses in each zoning district are allowed provided a Conditional Use Permit is obtained. These selected uses require a Conditional Use Permit to maintain compatibility with the surrounding area. The intent of a Conditional Use Permit is to, in part, provide adequate mitigation of any potentially adverse conditions. It is the responsibility of the Planning Commission to impose conditions and/or limitations on the operation of projects which require Conditional Use Permits.

Pursuant to Bell Gardens Municipal Code Section 9.04.040 "D" definitions, "drive-through" shall mean a business whereby motorists can obtain service by pulling up to a drive-through window with their vehicle without having to exit or turn off their vehicles (e.g., fast-food, pharmacy, cleaners). Pursuant to Bell Gardens Municipal Code Section 9.12.030 Permitted land uses, Table 9.12A: Commercial Land Use Matrix (see Table No. 2), restaurants with drive-through services require approval of a Conditional Use Permit by the Planning Commission. Due to the fact that the Applicant proposes to modify a single drive-through lane legal nonconforming restaurant to a side-by-side, dual drive-through lanes, approval of Conditional Use Permit No. 2017-031 is required.

Table No. 2. Commercial Land Use Matrix

Uses	M-U Zone	C-S Zone	C-3 Zone	C-4 Zone	C-M Zone	Special Requirements
<b>A: Accessory Use C: Conditional Use P: Principal Use S: Site Plan Review (PC) T: Temporary Use</b>						
Restaurants and other eating establishments with live entertainment, alcoholic sales, and/or drive-through services	C	C	C	C	C	

- **Site Configuration, Parking and Circulation**

The footprint of the McDonald's restaurant building will remain the same (Exhibit C). The proposed modification of the existing single drive-through lane layout consists of constructing a side-by-side, dual drive-through lanes at the entrance of the existing McDonald's restaurant (Exhibit D). The side-by-side, dual drive-through lanes begin on the north side of the Subject Site parallel to Florence Avenue and converge around the building in a west to south direction. A digital pre-browse menu is proposed at the beginning of one of the side-by-side dual drive-through lanes and separate outdoor digital full order menu boards are proposed on each side-by-side drive-through lane before the lanes merge into a single lane (Exhibit E). This modification adds an additional ordering point to allow for a streamlined customer experience.

The existing cashier's window and pick up window located on the west side of the building will remain at the present location. The modified drive-through lane design will accommodate a stacking of up to 12 vehicles, four of which will be positioned before the two outdoor digital full order menu boards, six between the two outdoor digital full order menu boards and the cashier's window, and two between the cashiers window and the pick-up window. Compared to the current condition, this new configuration will increase stacking by about four vehicles. Since the metal canopy by the cash register and pick-up window protrudes over the drive-through lane, a drive-through clearance gate is proposed at the entrance of the drive-through lane to ensure no high clearance vehicles damage the metal canopy. Additionally, since the drive-through/stacking lane will be clearly delineated, the updated design will not directly block any on-site parking spaces presently located on the Subject Site.

Parking for the drive-through restaurant building is provided by the existing surface parking lot. The Subject Site currently has 17 parking spaces. Of the 17 parking spaces, two parking spaces are designated as ADA accessible. Based on the California Uniform Building Code, only one of the total parking spaces must be designated as ADA accessible, resulting in an excess of one extra ADA space. As previously mentioned, in 1987 the Planning Commission approved Site Plan Review No. 180 for the construction of the fast food restaurant with a drive-through. That approval also included a reciprocal easement agreement for the mutual use of the immediately surrounding properties that include the Los Jardines Shopping Center, Toys"R"Us retail store, Sherwood strip mall, and Kentucky Fried Chicken restaurant. Due to the close proximity and the recorded reciprocal easement agreement there are additional off-site parking spaces available within the immediate vicinity.

The improvements that are proposed with the Project will help improve both on-site vehicular circulation and on nearby public streets. The existing condition of the site produces suboptimal traffic flow during peak conditions. Once completed, the Project will reduce traffic congestion and automobile stacking into the Subject Site. The Conditions of Approval stated in Planning Commission Resolution #PC 2017-07 are designed to help mitigate any potential negative impacts and address any potential problems that may arise due to the remodeled drive-through. Staff has recommended a number of conditions of approval that will

regulate the operation of the establishment to avoid any possible impacts to surrounding businesses within the immediate vicinity of the site.

**FINDINGS:**

Approval or disapproval of any Conditional Use Permit shall be based upon the following factors and principles as set forth in Section 9.50.050 of the Bell Gardens Municipal Code:

- 1. The use shall not be in substantial conflict with the General Plan for the area and shall comply with the standards of the Zoning Ordinance unless appropriate findings for a Conditional Use Permit can be made.**

**Finding:** The General Plan Land Use Designation on the Subject Site is Regional Commercial, which permits the establishment of commercial uses like the McDonald's drive-through restaurant. The proposed remodel of the existing 3,896 square foot drive-through restaurant building at 5725 Florence Avenue was constructed in compliance with all setbacks, lot coverage and parking requirements specified in the Bell Gardens Municipal Code. Furthermore, the use of the structure is consistent with the provisions of the C-4 (Heavy Commercial) zoning designation. McDonald's drive-through restaurant is a restaurant that has a surplus of available on-site and off-site parking within the immediate vicinity to meet the parking demands of the existing businesses.

- 2. The use shall not jeopardize, adversely affect, endanger, or otherwise constitute a nuisance to the public health, safety, or general welfare.**

**Finding:** The proposed use conforms to the current General Plan Land Use Designation for the Subject Site which is Regional Commercial. The Regional Commercial Land Use Designation encompasses the major commercial corridor of the City along Eastern and Florence Avenues. Large commercial uses are encouraged to locate within the Regional Commercial Land Use Designation due to the proximity of these properties to the I-710 Long Beach Freeway and a major City intersection such as Eastern and Florence Avenues. Therefore, the development of the proposed remodel represents a functional and efficient improvement to an already existing established drive-through restaurant in Bell Gardens and therefore does not adversely impact neighboring property or the public health, safety and general welfare of the surrounding community.

- 3. The site for a proposed conditional use is adequate in size, shape, and topography to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Ordinance, or as required by the Commission as a condition to integrate said use with the uses in the neighborhood.**

**Finding:** The proposed Project is adequate in size, shape, and topography to accommodate the parking, landscaping and other development features prescribed in Title 9 of the Bell Gardens Municipal Code. The Project was designed to ensure proper on-site and off-site traffic circulation. Access to the Subject Site is gained off driveway approaches along Florence Avenue, Eastern Avenue and Ajax Avenue. The remodel of the existing single drive-through lane

to a side-by-side, dual drive-through lanes will not significantly alter the layout or intensity of the restaurant. Moreover, all agencies reviewed the proposed Project and, in certain cases, issued conditions of approval, all of which have been incorporated into Planning Commission Resolutions PC #2017-07. Thus, the development including the application of prescribed development standards, is arranged to avoid traffic congestion, ensure the protection of public health, safety and general welfare, prevent adverse effects on neighboring property and in general accordance with all elements of the General Plan.

- 4. The site for the use is served by highways or streets adequate in width and improved as necessary to carry the kind and quantity of traffic such use would generate.**

**Finding:** The Subject Site is adequately served by Eastern Avenue and Florence Avenue. Eastern Avenue and Florence Avenue are designated as major highways in the City of Bell Gardens 1995 General Plan. According to the General Plan, a major highway is designed to move large volumes of traffic through the community to freeways, other highways, or secondary highways. Both Florence Avenue and Eastern Avenue are heavily impacted streets in the City. However, a substantial increase in pedestrian and vehicular traffic volume to the Subject Site is not expected to occur as a result of the proposed drive-through remodel, since the existing 3,896 square foot drive-through restaurant building will remain and thus the footprint of the building will not increase. The Subject Site is served by driveways on Florence Avenue, Eastern Avenue and Ajax Avenue. These streets are adequate in width to accommodate any increase in traffic.

- 5. The site is served by the required utilities, including electricity, and water supply of qualities and pressures required by the fire codes to provide adequate fire protection.**

**Finding:** Presently, the Subject Site is adequately served with a water supply of quality and pressure to meet the regulations of current water and fire codes, which provide adequate water supply and fire protection to the site.

#### **ENVIRONMENTAL REVIEW:**

In accordance with the California Environmental Quality Act (CEQA) Guidelines, the Project is categorically exempt pursuant to Section 15301, Class 1: existing facilities and Section 15332, Class 32: in-fill development of less than five (5) acres surrounded by urban uses.

#### **CONCLUSION:**

The proposed Project has been routed to all concerned City and County departments for review. The Los Angeles County Fire Department and the City Engineer requested certain conditions be included as part of the Conditions of Approval in Planning Commission Resolution #PC 2017-07.

Based on staff's analysis, it is recommended that the Planning Commission adopt Resolution #PC 2017-07 approving Conditional Use Permit No. 2017-031 to allow the proposed drive-through remodel and to legalize the operation of the existing legal

nonconforming 3,896 square foot drive-through McDonald's restaurant located at 5725 Florence Avenue. The Applicant's proposal will improve the overall onsite vehicular traffic circulation.

**FISCAL IMPACT:**

None

**ATTACHMENTS:**

- Exhibit A – Resolution #PC 2017-07
- Exhibit B – Vicinity Map
- Exhibit C – Site Plan
- Exhibit D – Enlarged Drive-Through Site Plan
- Exhibit E – Drive-Through Elevations and Details
- Exhibit F – Public Hearing Notice

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# **EXHIBIT A**

**Resolution  
#PC 2017-07**

**RESOLUTION #PC 2017-07**

**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF BELL GARDENS APPROVING  
CONDITIONAL USE PERMIT NO. 2017-031  
(File No. 2017-031)**

**WHEREAS**, the Applicant, Robert Howard of AECOM ("Applicant") on behalf of McDonald's franchise owner Redondo Enterprises, LLC ("Owner") is requesting approval to allow the remodel of the existing single drive-through lane layout to a side-by-side, dual drive-through lanes design at the existing McDonald's restaurant located at 5725 Florence Avenue ("Project")

**WHEREAS**, the approval will legalize the operation of the existing nonconforming McDonald's restaurant with a drive-through;

**WHEREAS**, the Project also includes new digital display boards, alterations to the existing landscaping areas, modifying the trash enclosure, and upgrading curb-cuts and parking;

**WHEREAS**, the Subject Site is presently zoned C-4 (Heavy Commercial) with the current General Plan Land Use Designation of "Regional Commercial" which allows the existing uses at the Subject Site;

**WHEREAS**, the Applicant originally approached the City in 2015 and inquired about remodeling the Subject Site;

**WHEREAS**, the Applicant was advised that the existing restaurant did not hold a Conditional Use Permit to operate the business and therefore, the present use is considered legal nonconforming;

**WHEREAS**, the McDonald's restaurant has operated at this location since 1988 after the Planning Commission approved Site Plan Review No. 180 in 1987 for the construction of the fast food restaurant with a drive through;

**WHEREAS**, prior to 2007, restaurants and other eating establishments, with or without a drive-through, were permitted as principle uses in the C-4 zone;

**WHEREAS**, the Applicant did not obtain a Conditional Use Permit in the 1980's because the Bell Gardens Municipal Code did not require a Conditional Use Permit to operate such a business;

**WHEREAS**, in 2007, the City adopted a comprehensive Zoning Code Update establishing land use and development regulations for all zones in the City including differentiating restaurants and other eating establishments as principle uses in the C-4 zone;

**WHEREAS**, the Zoning Code Update included differentiating the aforementioned by classifying restaurants and other eating establishments with a drive-through as conditionally permitted uses in the C-4 zone under the authority of a Conditional Use Permit granted by the Planning Commission in accordance with the provisions contained in Chapter 9.50, Variances and Conditional Use Permits, of the Bell Gardens Municipal Code;

**WHEREAS**, in 2007 all existing restaurants with a drive-through in the City of Bell Gardens became legal nonconforming since none had a Conditional Use Permit;

**WHEREAS**, in order for the Applicant to obtain approval for the drive-through remodel on the Subject Site, a Conditional Use Permit must be first approved by the Planning Commission in accordance with the provisions contained in the Bell Gardens Municipal Code to legalize the operation of the McDonald's drive-through restaurant and rectify the legal nonconformity that currently exists at the Subject Site;

**WHEREAS**, the Planning Commission held a public hearing on September 20, 2017, and reviewed all facts and evidence, both written and testimonial, pertaining to the requested Conditional Use Permit No. 2017-031.

**NOW, THEREFORE, THE PLANNING COMMISSION DOES HEREBY RESOLVE AND DETERMINE AS FOLLOWS:**

**Section 1.** Pursuant to Title 9, Section 9.50.050 of the Bell Gardens Municipal Code, which sets forth the findings necessary for approving a Conditional Use Permit, the Planning Commission finds:

- A. The General Plan Land Use Designation on the Subject Site is Regional Commercial, which permits the establishment of commercial uses like the McDonald's drive-through restaurant. The proposed remodel of the existing 3,896 square foot drive-through restaurant building at 5725 Florence Avenue was constructed in compliance with all setbacks, lot coverage and parking requirements specified in the Bell Gardens Municipal Code. Furthermore, the use of the structure is consistent with the provisions of the C-4 (Heavy Commercial) zoning designation. McDonald's drive-through restaurant is a restaurant that has a surplus of available on-site and off-site parking within the immediate vicinity to meet the parking demands of the existing businesses.
- B. The proposed use conforms to the current General Plan Land Use Designation for the Subject Site which is Regional Commercial. The Regional Commercial Land Use Designation encompasses the major commercial corridor of the City along Eastern and Florence Avenues. Large commercial uses are encouraged to locate within the Regional Commercial Land Use Designation due to the proximity of these

properties to the I-710 Long Beach Freeway and a major City intersection such as Eastern and Florence Avenues. Therefore, the development of the proposed remodel represents a functional and efficient improvement to an already existing established drive-through restaurant in Bell Gardens and therefore does not adversely impact neighboring property or the public health, safety and general welfare of the surrounding community.

- C. The proposed Project is adequate in size, shape, and topography to accommodate the parking, landscaping and other development features prescribed in Title 9 of the Bell Gardens Municipal Code. The Project was designed to ensure proper on-site and off-site traffic circulation. Access to the Subject Site is gained off driveway approaches along Florence Avenue, Eastern Avenue and Ajax Avenue. The remodel of the existing single drive-through lane to a side-by-side, dual drive-through lanes will not significantly alter the layout or intensity of the restaurant. Moreover, all agencies reviewed the proposed Project and, in certain cases, issued conditions of approval, all of which have been incorporated into Planning Commission Resolutions PC #2017-07. Thus, the development including the application of prescribed development standards, is arranged to avoid traffic congestion, ensure the protection of public health, safety and general welfare, prevent adverse effects on neighboring property and in general accordance with all elements of the General Plan.
  
- D. The Subject Site is adequately served by Eastern Avenue and Florence Avenue. Eastern Avenue and Florence Avenue are designated as major highways in the City of Bell Gardens 1995 General Plan. According to the General Plan, a major highway is designed to move large volumes of traffic through the community to freeways, other highways, or secondary highways. Both Florence Avenue and Eastern Avenue are heavily impacted streets in the City. However, a substantial increase in pedestrian and vehicular traffic volume to the Subject Site is not expected to occur as a result of the proposed drive-through remodel, since the existing 3,896 square foot drive-through restaurant building will remain and thus the footprint of the building will not increase. The Subject Site is served by driveways on Florence Avenue, Eastern Avenue and Ajax Avenue. These streets are adequate in width to accommodate any increase in traffic.
  
- E. Presently, the Subject Site is adequately served with a water supply of quality and pressure to meet the regulations of current water and fire codes, which provide adequate water supply and fire protection to the site.

**Section 2.** Conditional Use Permit No. 2017-031 is hereby approved to allow the remodel of the existing single drive-through lane layout to a side-by-side, dual drive-through lanes design at the existing McDonald's restaurant located at 5725 Florence Avenue ("Project"). The approval will legalize the operation of the existing nonconforming McDonald's restaurant with a drive-through, subject to the following Conditions of Approval:

1. The property shall be improved, maintained and operated at all times in accordance with the following:
  - a. The applications on file in the Community Development Department and Exhibits A through F included in the staff report which are attached and incorporated herein by this reference.
  - b. All applicable laws, including but not limited to, the Bell Gardens Municipal Code and the Bell Gardens Zoning Code.
  - c. All the Conditions of Approval as set forth in this Planning Commission Resolution for Conditional Use Permit No. 2017-031.
2. All conditions stated herein shall be binding upon the applicants, their successors and assigns; shall run with the land; shall limit and control the issuance and validity of certificates of occupancy and shall restrict and limit the construction, location, and use and maintenance of all land within the Subject Site.
3. This Conditional Use Permit No. 2017-031 and all rights hereunder shall terminate within one year of the effective date of the Conditional Use Permit, unless construction is commenced or a written time extension is granted by the Planning Commission. A written request to extend the time to comply with the Conditions of Approval stated in the Conditional Use Permit must be submitted to the Bell Gardens Community Development Department, at least 30 days prior to the expiration of the one (1) year period.
4. The abandonment or non-implementation of the conditions stated in the Conditional Use Permit for a period of one (1) year from the effective date of the Permit shall terminate the Permit, and any privileges granted thereunder shall become null and void.
5. In the event of a transfer of ownership of the property involved in this application, the new owner shall be fully informed that the new owner(s) is/are subject to the use and development of said property as set forth by this Conditional Use Permit together with all conditions which are stated herein.
6. Violation of any of the conditions of Conditional Use Permit No. 2017-031 shall be cause for revocation and termination of all rights hereunder.

7. The Applicant shall comply with all provisions of Chapter 5, "Business Licenses & Regulations," of the City of Bell Gardens Municipal Code.
8. The City is granted a right-of-entry at any time during normal business hours of operation to inspect the premise to verify compliance of the Conditions of this Approval and to determine compliance with all applicable sections of the Bell Gardens Municipal Code.
9. The Director of Community Development and his/her designee shall be authorized to make minor modifications to the approved Conditional Use Permit or any of the conditions specified herein if the modifications shall achieve substantially the same results as would strict compliance with the approved Conditional Use Permit and conditions.
10. Graffiti on buildings, walls or other private property shall be removed within forty-eight (48) hours. If painting is required, the paint shall be identical to the existing color as approved by the Community Development.
11. The property shall be developed, maintained, and used in a neat, quiet and orderly condition and uses on the lot shall be operated in a manner that will not disturb or be detrimental to adjacent properties, surrounding land uses or occupants.
12. Hours and days of exterior building construction and site improvements shall be as follows: Monday through Saturday, not before 8:00 A.M. and not after 7:00 P.M. of the same day. No construction or grading shall take place on Sundays and City observed holidays.
13. The Applicant shall ensure that the property is properly maintained at all times/phases of construction.
14. Prior to commencing the demolition of the existing single lane drive-through and construction of the proposed Project, the Applicant shall submit a site plan indicating on-site vehicular and pedestrian traffic circulation during all stages of construction to the Community Development Department for review and approval.

#### **Building/Site Improvements**

15. The proposed improvements on the Subject Site shall be subject to review and approval by the Planning, as well as Building and Safety Divisions. All proposed improvements shall be completed in accordance with the provisions of the California Building Code as amended by Title 26 of the Los Angeles County Building Code. All required permits from the Building and Safety Division shall be secured prior to commencing the construction of the Project.
16. The Applicant shall comply with all Americans with Disabilities Act (ADA) requirements as part of the Building and Safety plan check process.

17. The Applicant shall be responsible for submitting plans for Building and Safety Plan Check and obtain permits for all the work proposed on the Subject Site.
18. Vehicles associated with the construction of the proposed project shall not be permitted to park in the public right-of-way. The Applicant shall submit to the Community Development Department for review and approval, a parking plan for construction vehicles to minimize impacts to patron parking.
19. Temporary storage of building materials shall be contained within the Project site and shall be properly secured and screened during all stages of construction.
20. The Applicant shall ensure that each construction phase of the Project is properly secured to protect both pedestrians and vehicular traffic by installing 6'-0" high chain-link fences and gates around the entire perimeter of the construction site. The gates shall be closed and locked after construction hours.
21. Contractors and subcontractors engaged in the construction activities of the proposed project shall obtain a business license and all required permits from the City of Bell Gardens.
22. Prior to the installation of any new signs on the Subject Site, the Applicant shall submit three (3) sets of sign plans for review and approval to the Community Development Department. Sign plans shall include but not limited to, elevations, lettering, colors, dimensions, and installation methods.
23. The following construction practices shall be implemented by all Project contractors to reduce construction noise levels:
  - a. Ensure that construction equipment is properly muffled according to industry standards. All power construction equipment shall utilize noise shielding and muffling devices.
  - b. Locate the construction staging area and noise-generating equipment away from adjacent residents as much as feasible.
24. Proposed and required on-site and off-site improvements shall be completed by the Applicant prior to a building permit final and issuance of a Certificate of Occupancy by the City on the Subject Site.
25. The existing trash enclosure located on the site shall be remodeled. A six foot high metal gate shall be installed and provided with a self-closing and self-latching mechanism. The top of the enclosure structure shall be protected with a decorative metal trellis and painted the same color as the building. The final location and design of the trash enclosure shall be subject to the approval of the Community Development Department.

26. Prior to final inspection, the Applicant shall submit to the Public Works Department a signed Authorization for Removal form for the removal of graffiti.
27. The Applicant shall ensure that at least a five (5) gallon cans of paint for each of the approved colors is available for the use of the Public Works Department. The Applicant shall coordinate with the Public Works Department on the storage of the paint.

### **LA County Fire Department**

28. The Applicant shall comply with all required conditions established by the Fire Department. The Applicant shall obtain all required Fire Department approvals and permits prior to commencing the construction of the proposed improvements on the Subject Site.
29. The Applicant shall ensure that fire protection facilities, including access, must be provided prior to and during construction.
30. Prior to the issuance of a building permit, the Applicant shall conduct a fire flow test to determine if the existing water line serving the Project has adequate capacity for both potable water and fire flow and submit the results to the City of Bell Gardens. Additional water system requirements may be required upon review of the completed Fire Flow Form #196, and/or when this land is further subdivided and/or during the building permit process.

### **Landscaping**

31. Prior to the issuance of any building permits for the improvements proposed on the Subject Site, the Applicant shall submit four (4) sets of landscaping and automatic irrigation plans prepared by a licensed landscape architect for review and approval by the Community Development Department.
32. A permanent automatic landscape irrigation system shall be installed for all new landscaped areas and shall be subject to review and approval by the Public Works Department. An automatic drip irrigation system shall be utilized whenever possible.
33. All designated landscaping areas shall be fully planted prior to the issuance of a building final and issuance of a Certificate of Occupancy by the City. Landscaped areas shall be maintained by the Applicant at all times.
34. The Applicant shall work closely with staff in the Community Development to determine the type, size, number and location of all required planting material. The planting material shall be drought resistant.
35. All new planter and landscaped areas, unless otherwise specified on the plans, shall be protected with a six (6) inch high and wide concrete curb.

### **Public Works Department**

36. The Applicant shall obtain all required approval and permits from the City's Public Works Department prior to commencing any work that may encroach on the City's public right of way.
37. A Grading & Drainage Plan is required, and shall be submitted to the Public Works Department for review and approval, prior to the issuance of grading permits for the project. The following elements shall be included in this plan:
  - a. Public Works Department general notes;
  - b. The existing and proposed square footage of impervious coverage on the property shall be shown on the grading plan (including separate areas for buildings, driveways, walkways, parking);
  - c. The limits of land to be disturbed during project development shall be delineated and a total area shall be shown on the plan. Areas disturbed by grading equipment beyond the limits of grading, areas disturbed for the install of the areas disturbed.
38. The limits to land to be disturbed during project development shall be delineated and a total area of disturbance should be shown on the plan. Areas disturbed by grading equipment beyond the limits of grading shall be included within the area delineated.
39. A Storm Water Pollution Prevention Plan (SWPPP) is required, and shall be submitted to the Public Works Department for review and approval, prior to the issuance of building permits. The plan shall include:
  - a. Dust Control Plan for the management of fugitive dust during extended periods without rain;
  - b. Designated areas for the storage of construction materials that do not disrupt drainage patterns or subject the material to erosion by site runoff;
  - c. Designated areas for the construction portable toilets that separates them from storm water runoff and limits the potential for upset; and
  - d. Designated areas for disposal and recycling facilities for solid waste separated from the site drainage system to prevent the discharge of runoff through the water.
40. Storm drainage improvements are required to mitigate increased runoff generated by property development.
41. A Storm Water Management Plan (SWMP) shall be submitted for review and approval of the City Public Works Department. The SWMP shall be prepared in accordance with the LID.
42. Exported soil from a site shall be taken to the Los Angeles County Landfill or to a site with an active grading permit and the ability to accept the material in compliance with LID.

43. A Water Quality Management Plan (WQMP) is required, and shall be submitted to the Public Works Department for review and approval, prior to issuance of building permits. The WQMP shall be prepared in accordance with the LID and all other applicable ordinances and regulations. The WQMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage on the site. The following elements shall be included within the WQMP:
- a. Site Design Best Management Practices (BMPs);
  - b. Source Control BMPs;
  - c. Treatment Control BMPs;
  - d. Drainage improvements;
  - e. Methods for onsite percolation, site re-vegetation and an analysis for off-site project impacts;
  - f. Measures to treat and infiltrate runoff from impervious areas;
  - g. A plan for the maintenance and monitoring of the proposed treatment BMPs for the expected life of the structure;
  - h. A copy of the WQMP shall be filed against the property to provide constructive notice to future property owners of their obligation to maintain the water quality measures installed during the construction prior to the issuance of grading or building permits; and
  - i. The WQMP shall be submitted to the Building and Safety public counter and the fee applicable at the time of submittal for review of the WQMP shall be paid prior to the start of the technical review. Once the plan is approved and stamped by the Public Works Department, the original signed and notarized document shall be recorded with the County Recorder. A certified copy of the WQMP shall be submitted prior to the Public Works Department approval of building plans for the project.
44. Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, shall be employed as feasible and appropriate. All trucks leaving the construction site shall adhere to the California Vehicle Code. In addition, construction vehicles shall be covered when necessary; and their tires rinsed prior to leaving the property.
45. All new development, including construction, grading, and landscaping shall be designed to incorporate drainage and erosion control measures prepared by a licensed engineer that incorporate structural and non-structural Best Management Practices (BMPs) to control the volume, velocity and pollutant load of storm water runoff in compliance with all requirements contained in LID, including:
- a. Construction shall be phased to the extent feasible and practical to limit the amount of disturbed areas present at a given time;
  - b. Grading activities shall be planned during the southern California dry season (April through October);

- c. During construction, contractors shall be required to utilize sandbags and berms to control runoff during on-site watering and periods of rain to minimize surface water contamination; and
- d. Filter fences designed to intercept and detain sediment while decreasing the velocity of runoff shall be employed within the project site.

### **Parking Lot/Site Maintenance**

- 46. The Subject Site shall be cleared of all construction debris prior to the issuance of a building final and issuance of a Certificate of Occupancy by the City.
- 47. The parking spaces within the immediate area of the Project shall be resurfaced in accordance with the Bell Gardens Municipal Code prior to the issuance of a building final and issuance of a Certificate of Occupancy by the City.
- 48. The reconfigured parking spaces shall be striped in accordance with the Bell Gardens Municipal Code prior to the issuance of a building final and issuance of a Certificate of Occupancy by the City.
- 49. Concrete wheel stops shall be installed at the front of each designated parking space adjacent to a pedestrian walkway in accordance with adopted City standards.
- 50. Any required ADA truncated domes shall be composed of stamped concrete and shall be of a dark gray color.
- 51. Parking lot and sidewalk areas located within the immediate area of the Project shall be pressure washed quarterly to remove oil stains and maintained clear of trash, debris and outside storage at all times.

### **Drive-Through Lane**

- 52. In the event that the capacity of the drive-through lane is exceeded, additional staff shall be assigned to the drive-through lane to take orders and temporary barriers shall be placed by McDonald's staff at the drive-through lane in order to re-route traffic through the drive aisle safely and prevent the overspill of cars into the main traffic aisle. All requirements deemed necessary shall be installed and paid for by McDonald's upon written notification from the Community Development Department.

### **Miscellaneous**

- 53. The Applicant shall obtain all necessary permits and licenses from the State, City and County agencies, including but not limited to, Fire, Industrial Waste, and Health Department for the proposed improvements and business operations on the Subject Site.

54. Any new light poles shall be shielded to prevent any light and glare impacts on nearby properties. The final selection of all light fixtures shall be subject to review and approval by the Community Development Department.
55. There shall be no outdoor events/sidewalk sales permitted at any time, unless approved by the Community Development Department through a Special Event Permit and in accordance with Section 9.42.030 of the Bell Gardens Municipal Code.
56. No outside public telephones shall be installed on the Subject Site or on the public right-of-way.
57. The installation of flags and pennants at the Subject Site shall be prohibited at all times, except for signs which are exempt pursuant to Bell Gardens Municipal Code Section 9.40.110 – Exempt Signs.
58. The Conditions of Approval of Conditional Use Permit No. 2017-031 (Resolution #PC 2017-07) shall compliment all of the Conditions of Approval of Site Plan Review No. 180 previously approved by the Planning Commission.
59. If any inconsistencies exist between the conditions established in this resolution and the previous conditions pertaining to Site Plan Review No. 180, the most restrictive conditions shall apply.
60. The owner of the property which is the subject of this project and the project applicant, if different from the property owner, and each of their heirs, successors, and assigns, shall defend, indemnify and hold harmless the City of Bell Gardens and its officials, agents, officers, and employees from any and all claims, actions, or proceedings brought by any party to attack, set aside, void or annul, rescind, or otherwise challenge the approval of the Project or the approval of any entitlement related to the Project by the City Council, Planning Commission, or its staff, including but not limited to, environmental determinations. Such indemnification and hold harmless shall include damages, judgments, settlements, penalties, fines, and defensive costs and expenses, incurred by or ordered against the City in connection with or arising out of such claims, actions, or proceedings, including but limited to, interest, reasonable attorney's fees and costs, or expert witness fees, incurred by the City. The City shall promptly notify the Applicant of any claim, action or proceeding and the City and Applicant shall mutually cooperate fully in the defense thereof.
61. The Applicant shall sign, notarize, and return to the Community Development Department an affidavit accepting all Conditions of Approval on Conditional Use Permit No. 2017-031 within 15 days from receipt of acknowledgement of approval of the Planning Commission Resolution. The Applicant acknowledges and understands that all conditions set forth in this Resolution are conditions precedent

to the Commission's grant of approval and failure to comply with any condition contained herein shall render this Conditional Use Permit non-binding as against the City and shall confer the Applicant no legal rights under the law. This Conditional Use Permit shall not become effective unless and until the Applicant returns the fully executed affidavit.

**SECTION 3.** In accordance with the California Environmental Quality Act (CEQA) Guidelines, the Project is categorically exempt pursuant to Section 15301, Class 1: existing facilities and Section 15332, Class 32: in-fill development of less than five (5) acres surrounded by urban uses.

**SECTION 3.** The Planning Secretary shall attest and certify to the passage and adoption of this Resolution, and it shall become effective immediately upon its approval.

**PASSED, APPROVED AND ADOPTED** this 20<sup>th</sup> day of September 2017.

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TONY RIVERA, CHAIRPERSON

ATTEST:

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ERIKA GUTIERREZ, PLANNING SECRETARY

APPROVED AS TO FORM:

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JOHN W. LAM, ASSISTANT CITY ATTORNEY

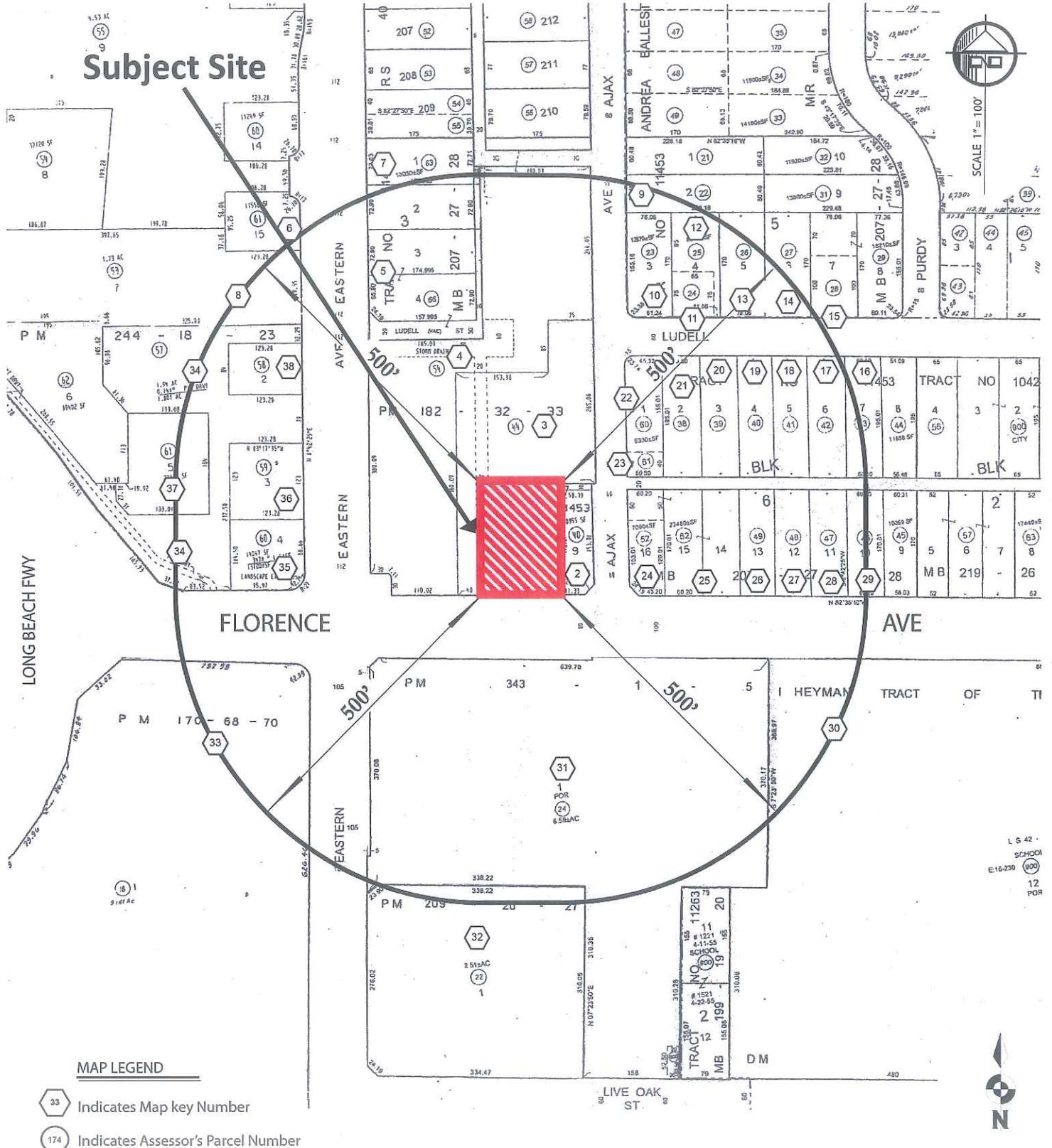
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# **EXHIBIT B**

## **Vicinity Map**

# VICINITY MAP

Conditional Use Permit No. 2017-031  
 5725 Florence Avenue  
 (File No. 2017-031)



# **EXHIBIT C**

## **Site Plan**



1 EXISTING SITE PLAN  
SCALE 1" = 10'-0"



**GENERAL NOTES**

- A. DIMENSIONS AND SPACING ARE TO TOP OF CURB UNLESS OTHERWISE NOTED.
- B. ALL CURBS ARE 6" AND SHALL BE FORMED MONOLITHICALLY WITH CONCRETE PAVEMENT, CONDITIONS AND PROVISIONS AND ASSURE AIR DISTRIBUTION WITH ADEQUATE PROTECTIVE MANHOLE PRIOR TO COMMENCING WORK.
- C. ALL CURBS SHALL BE 6" MINIMUM THICKNESS AND 4000 PSI STRENGTH AT 28 DAYS. PREPARE ALL CURBS WITH ADEQUATE JOINTS IN CONCRETE PERMANENT CURBS OF 48" SPACING WITH ADEQUATE PRODUCT MANHOLE PREPARATION AND CAST IN PLACE CONCRETE SHALL BE IN ACCORDANCE WITH ADEQUATE CONSTRUCTION SPECIFICATIONS.
- D. ALL CURBS SHALL BE 6" MINIMUM THICKNESS AND 4000 PSI STRENGTH AT 28 DAYS. PREPARE ALL CURBS WITH ADEQUATE JOINTS IN CONCRETE PERMANENT CURBS OF 48" SPACING WITH ADEQUATE PRODUCT MANHOLE PREPARATION AND CAST IN PLACE CONCRETE SHALL BE IN ACCORDANCE WITH ADEQUATE CONSTRUCTION SPECIFICATIONS.
- E. ALL CURBS SHALL BE 6" MINIMUM THICKNESS AND 4000 PSI STRENGTH AT 28 DAYS. PREPARE ALL CURBS WITH ADEQUATE JOINTS IN CONCRETE PERMANENT CURBS OF 48" SPACING WITH ADEQUATE PRODUCT MANHOLE PREPARATION AND CAST IN PLACE CONCRETE SHALL BE IN ACCORDANCE WITH ADEQUATE CONSTRUCTION SPECIFICATIONS.
- F. ALL CURBS SHALL BE 6" MINIMUM THICKNESS AND 4000 PSI STRENGTH AT 28 DAYS. PREPARE ALL CURBS WITH ADEQUATE JOINTS IN CONCRETE PERMANENT CURBS OF 48" SPACING WITH ADEQUATE PRODUCT MANHOLE PREPARATION AND CAST IN PLACE CONCRETE SHALL BE IN ACCORDANCE WITH ADEQUATE CONSTRUCTION SPECIFICATIONS.
- G. ALL CURBS SHALL BE 6" MINIMUM THICKNESS AND 4000 PSI STRENGTH AT 28 DAYS. PREPARE ALL CURBS WITH ADEQUATE JOINTS IN CONCRETE PERMANENT CURBS OF 48" SPACING WITH ADEQUATE PRODUCT MANHOLE PREPARATION AND CAST IN PLACE CONCRETE SHALL BE IN ACCORDANCE WITH ADEQUATE CONSTRUCTION SPECIFICATIONS.
- H. ALL CURBS SHALL BE 6" MINIMUM THICKNESS AND 4000 PSI STRENGTH AT 28 DAYS. PREPARE ALL CURBS WITH ADEQUATE JOINTS IN CONCRETE PERMANENT CURBS OF 48" SPACING WITH ADEQUATE PRODUCT MANHOLE PREPARATION AND CAST IN PLACE CONCRETE SHALL BE IN ACCORDANCE WITH ADEQUATE CONSTRUCTION SPECIFICATIONS.
- I. ALL CURBS SHALL BE 6" MINIMUM THICKNESS AND 4000 PSI STRENGTH AT 28 DAYS. PREPARE ALL CURBS WITH ADEQUATE JOINTS IN CONCRETE PERMANENT CURBS OF 48" SPACING WITH ADEQUATE PRODUCT MANHOLE PREPARATION AND CAST IN PLACE CONCRETE SHALL BE IN ACCORDANCE WITH ADEQUATE CONSTRUCTION SPECIFICATIONS.
- J. ALL CURBS SHALL BE 6" MINIMUM THICKNESS AND 4000 PSI STRENGTH AT 28 DAYS. PREPARE ALL CURBS WITH ADEQUATE JOINTS IN CONCRETE PERMANENT CURBS OF 48" SPACING WITH ADEQUATE PRODUCT MANHOLE PREPARATION AND CAST IN PLACE CONCRETE SHALL BE IN ACCORDANCE WITH ADEQUATE CONSTRUCTION SPECIFICATIONS.

**LEGEND**

- NOT ALL SYMBOLS APPEAR ON SHEET
- EXISTING CURB AND GUTTER TO REMAIN
  - NEW CURB AND GUTTER, SEE SPECIFICATIONS
  - NEW STRIPING (4" MIN)
  - EXISTING CONCRETE
  - NEW 6" CONCRETE SLAB
  - EXTENT OF SIDEWALK FOR WORK
  - EXISTING PROPERTY LINE (APPROX. - NOT SURETY)
  - EXISTING SUMMERY SEWER
  - EXISTING STRIPING TO BE REMOVED
  - EXISTING REBOUND
  - EXISTING SUMMERY SEWER MANHOLE

PARKING	
EXISTING BUILDING C.F.A.	3,862 SQ FT
NEW ADDITION	14 SQ FT
TOTAL	3,876 SQ FT
PARKING REQUIRED @ 1 SPACE PER 100 SF	39 SPACES
EXISTING SPACES	18 SPACES
ADDITIONAL SPACES	21 SPACES
AREA AND PERCENTAGE OF LOT DEDICATED TO GREEN SPACE	1,200 SQ FT 8.2%
AREA AND PERCENTAGE OF LOT DEDICATED TO PARKING AND DRIVE	1,140 SQ FT 5.7%

	PROJECT FOR: <b>McDonald's USA, LLC</b> THESE DRAWINGS AND SPECIFICATIONS ARE THE CONFIDENTIAL AND PROPRIETARY PROPERTY OF MCDONALD'S USA, LLC AND SHALL NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF MCDONALD'S USA, LLC.	ARCHITECT: <b>URS Corporation</b> dba URS Corporation Americas 4225 Executive Square, Suite 1400 La Jolla, CA 92037 658.812.9292 fax 658.812.9293 <a href="http://www.urscorp.com">http://www.urscorp.com</a>		DATE: 05/17/2012						
	PREPARED BY: <b>ELL SARKIS, SA</b> CHECKED BY: <b>ELL SARKIS, SA</b> DATE: 07/12/2012	TITLE: <b>CIVIL SITE PLAN</b> PROJECT ADDRESS: <b>5725 RIVERVIEW AVENUE</b> SHEET NO.: <b>SP-01</b>	DESCRIPTION: <b>EXISTING SITE PLAN</b>	REV: <table border="1"> <tr><th>REV</th><th>DATE</th><th>DESCRIPTION</th></tr> <tr><td> </td><td> </td><td> </td></tr> </table>	REV	DATE	DESCRIPTION			
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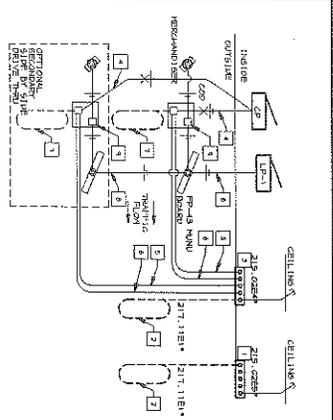
# **EXHIBIT D**

## **Enlarged Drive- Through Site Plan**



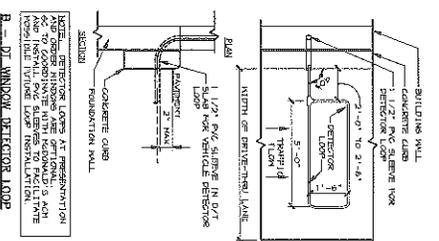
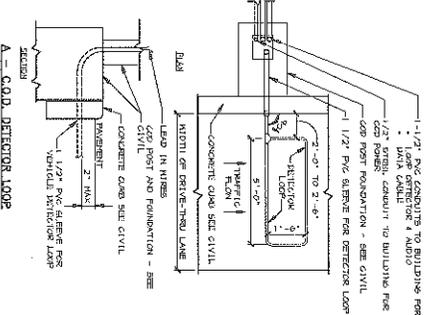
# **EXHIBIT E**

## **Drive-Through Elevations and Details**

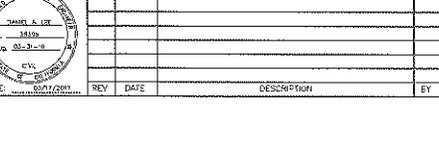
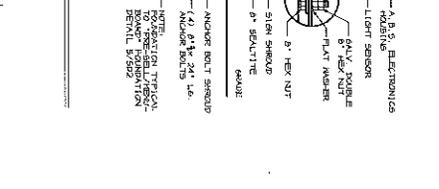
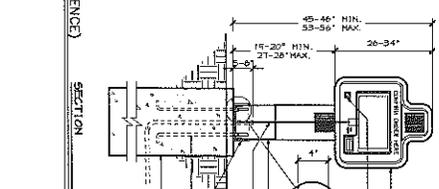
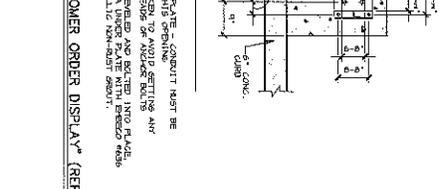
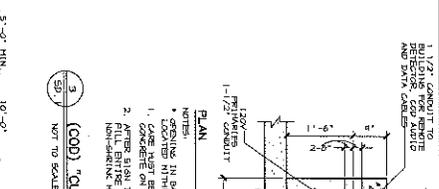
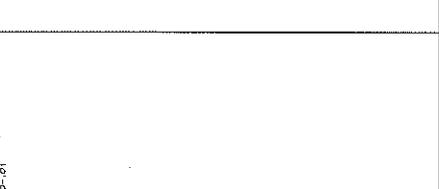
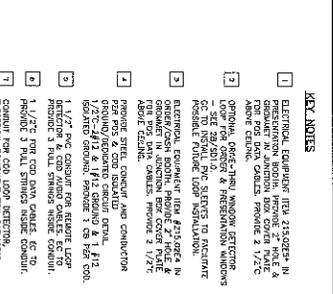
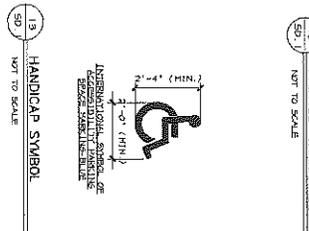
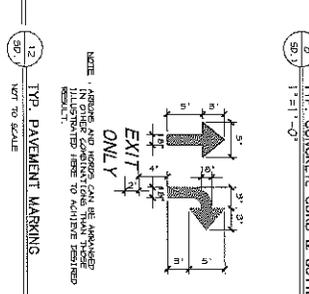
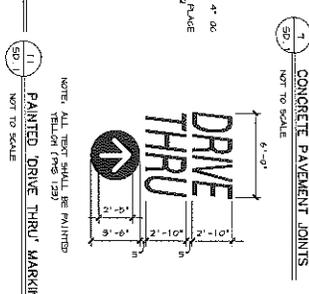
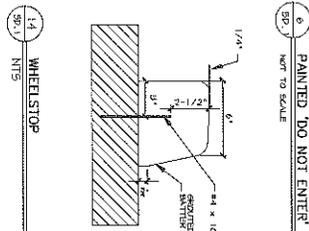


1 DRIVE-THRU SITE WIRING DIAGRAM  
N.T.S.

- KEY NOTES**
- ELECTRICAL EQUIPMENT SHALL BE MOUNTED IN CONCRETE OR METAL ENCLOSURE. PROVIDE 2" HOLE IN CONCRETE OR METAL ENCLOSURE FOR PULL BOX DATA CABLES PROVIDE 1/2" CLEARANCE FROM CONCRETE OR METAL ENCLOSURE TO EQUIPMENT.
  - CONCRETE OR METAL ENCLOSURE SHALL BE MOUNTED ON CONCRETE OR METAL SURFACE. PROVIDE 1/2" CLEARANCE FROM CONCRETE OR METAL SURFACE TO EQUIPMENT.
  - CONCRETE OR METAL ENCLOSURE SHALL BE MOUNTED ON CONCRETE OR METAL SURFACE. PROVIDE 1/2" CLEARANCE FROM CONCRETE OR METAL SURFACE TO EQUIPMENT.
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- NOTES**
- VERIFY CONCRETE SIZE AND MIXTURE WITH DETECTOR LOOP MANUFACTURER.
  - VERIFY VEHICLE DETECTOR LOOP (TYPE & 217-11B) RECOMMENDATIONS.
  - SEE C.O.D. FOR DIMENSIONS OF DRIVE-THRU LANE CONCRETE AND FOR DETECTOR LOOP.
  - NO STEEL REBAR OR ELECTRICAL WIRE SHALL BE USED WITHIN 2" OF LOOP.
  - REINFORCE DETECTOR LOOP WITH 1/2\"/>



6 PAINTED 'DO NOT ENTER'  
SD NOT TO SCALE

7 CONCRETE PAVEMENT JOINTS  
SD NOT TO SCALE

8 TYP. CONCRETE CURB & GUTTER  
SD NOT TO SCALE

9 PAINTED 'THANK YOU'  
SD NOT TO SCALE

10 PAINTED 'THANK YOU'  
SD NOT TO SCALE

4 CURB RAMP DETAIL  
SD NOT TO SCALE

5 CURB RAMP SECTION  
SD NOT TO SCALE

10 PAINTED 'THANK YOU'  
SD NOT TO SCALE

11 PAINTED 'DRIVE THRU' MARKING  
SD NOT TO SCALE

12 TYP. PAVEMENT MARKING  
SD NOT TO SCALE

3 (OOD) 'CUSTOMER ORDER DISPLAY' (REFERENCE)  
SD NOT TO SCALE

4 CURB RAMP DETAIL  
SD NOT TO SCALE

5 CURB RAMP SECTION  
SD NOT TO SCALE

9 PAINTED 'THANK YOU'  
SD NOT TO SCALE

11 PAINTED 'DRIVE THRU' MARKING  
SD NOT TO SCALE

SHEET NO.	SD 01
DATE	01/15/2010
BY	SD
DESCRIPTION	CIVIL SITE DETAILS I

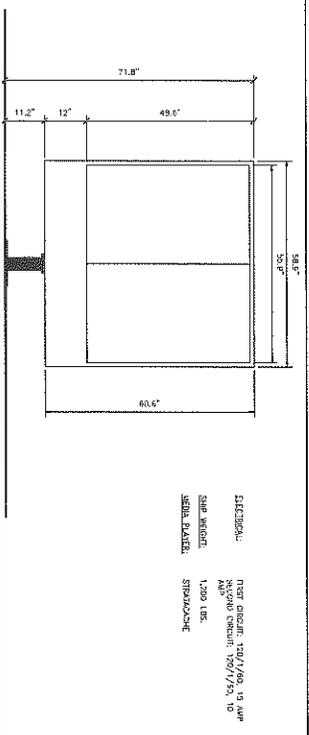
DESIGNED FOR: **McDonald's USA, LLC**

APPROVED BY: **URS Corporation**

4225 Executive Square, Suite 1400  
La Jolla, CA 92037  
Tel: 655.812.9292

DATE	01/15/2010
BY	SD
DESCRIPTION	CIVIL SITE DETAILS I

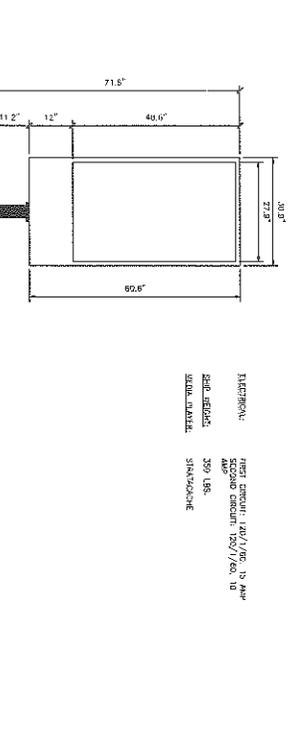




**CONCRETE:**  
 ALL CONCRETE SHALL BE 4000 PSI STRENGTH CONCRETE WITH 4% AIR ENTRAINMENT. ALL CONCRETE SHALL BE CAST IN PLACE AND CURED PROPERLY. ALL CONCRETE SHALL BE FINISHED TO A SMOOTH, EVEN SURFACE. ALL CONCRETE SHALL BE PROTECTED FROM DAMAGE DURING CONSTRUCTION AND MAINTENANCE. ALL CONCRETE SHALL BE REPAIRED IMMEDIATELY UPON DISCOVERY OF DAMAGE.

**STEEL:**  
 ALL STEEL SHALL BE A36 STEEL UNLESS OTHERWISE SPECIFIED. ALL STEEL SHALL BE GALVANNEAL UNLESS OTHERWISE SPECIFIED. ALL STEEL SHALL BE PROTECTED FROM CORROSION BY AN ANTI-RUST COATING. ALL STEEL SHALL BE WELDED TO A FULL PENETRATION WELD UNLESS OTHERWISE SPECIFIED. ALL STEEL SHALL BE FINISHED TO A SMOOTH, EVEN SURFACE.

**FINISHES:**  
 ALL INTERIORS SHALL BE FINISHED WITH A SMOOTH, EVEN SURFACE. ALL EXTERIORS SHALL BE FINISHED WITH A WEAR SURFACE. ALL FINISHES SHALL BE INSTALLED TO A SMOOTH, EVEN SURFACE.

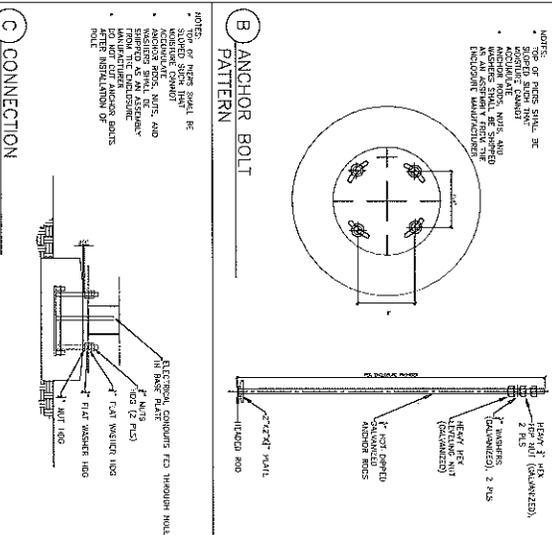
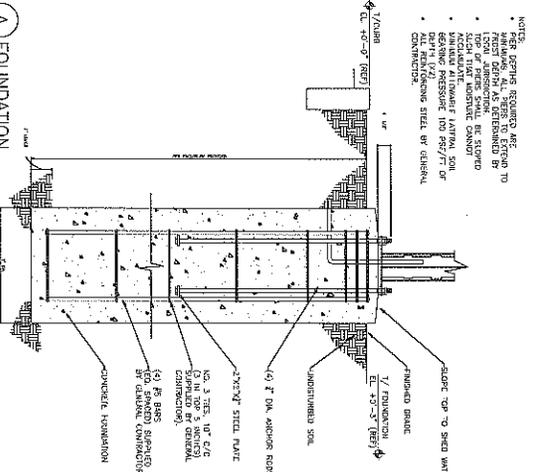
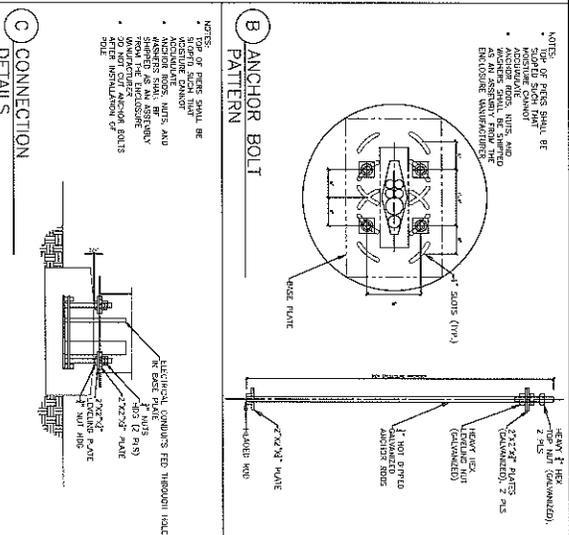
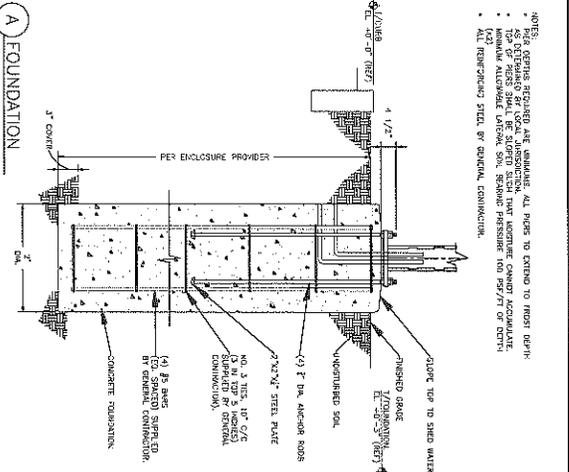


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**FINISHES:**  
 ALL INTERIORS SHALL BE FINISHED WITH A SMOOTH, EVEN SURFACE. ALL EXTERIORS SHALL BE FINISHED WITH A WEAR SURFACE. ALL FINISHES SHALL BE INSTALLED TO A SMOOTH, EVEN SURFACE.

1 DIGITAL MENU BOARD  
 SCALE: NONE



A FOUNDATION

B ANCHOR BOLT PATTERN

C CONNECTION DETAILS

# **EXHIBIT F**

## **Public Hearing Notice**

**CITY OF BELL GARDENS  
NOTICE OF PUBLIC HEARING  
CONDITIONAL USE PERMIT NO. 2017-031  
(FILE NO. 2017-031)**

**POSTED**  
9/7/17  
ES

Notice is hereby given that the Planning Commission of the City of Bell Gardens will hold a public hearing to consider Conditional Use Permit No. 2017-031 to allow the modification of the existing drive-through lane layout by constructing a second drive-through lane at the existing McDonald's Restaurant located at 5725 Florence Avenue. The project will also include some alterations to the existing vehicular circulation, landscaping areas, upgrading curb-cuts and parking. The subject site is zoned C-4 (Heavy Commercial) with the General Plan Land Use designation "Regional Commercial."

In accordance with the California Environmental Quality Act (CEQA) Guidelines, the Project is categorically exempt pursuant to Section 15332, Class 32: in-fill development of less than five (5) acres surrounded by urban uses.

The public hearing will be held before the Planning Commission of the City of Bell Gardens, in Council Chambers at City Hall, 7100 Garfield Avenue, Bell Gardens, CA 90201, on Wednesday, September 20, 2017 at 6:00 P.M., at which time proponents and opponents of the proposed Conditional Use Permit will be heard. Questions may be directed to the Community Development Department at (562) 806-7700, extension 7722.

Per Government Code Section 65009, if you challenge this Conditional Use Permit in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission or prior to the public hearing.

**THE PLANNING COMMISSION**

Tony Rivera, Chairperson

**Published:** Bell Gardens Sun, September 7, 2017

**Posted:** September 7, 2017

Bell Gardens City Hall

Bell Gardens John Anson Ford Park

Bell Gardens Veterans Park – Ross Hall Auditorium

Bell Gardens Department of Public Works

N:\Planning\pc2017\0920\McDonalds Drive-Thru\CUP 2017-031 - 5725 Florence Avenue - PHN.docx