

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

Wednesday, September 20, 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.

City Planner, Carmen Morales led the Pledge of Allegiance.

Commissioner Hernandez arrived at 6:03 p.m.

ROLL CALL

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

Absent: None

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

APPROVAL OF MINUTES

Chairperson Rivera asked for a motion on the minutes of July 19, 2017. A motion was made by Vice-Chairperson Carrillo and seconded by Commissioner Hernandez to approve the minutes of July 19, 2017. Motion carried by a vote of 4-0.

PUBLIC COMMENT

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

Chairperson Rivera asked for a motion to move the agenda items out of order to discuss Agenda Item #2 followed by #1. A motion was made by Vice-Chairperson Carrillo and seconded by Commissioner Hernandez. Motion was carried by a vote of 4-0.

PUBLIC HEARING

A. Planning Commission

- 1. McDonalds Drive-Through Remodel
Conditional Use Permit No. 2017-031
5725 Florence Avenue, Bell Gardens
(File No. 2017-031)**

Mr. Soto gave the presentation on Conditional Use Permit No. 2017-031.

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

Chairperson Rivera had a question for staff on the presentation regarding the color coding on the different parcels located within the shopping center. Chairperson Rivera wanted to clarify that each business within this shopping center was owned by a different owner. Mr. Soto stated that was correct and mentioned that it was presented this way due to this unique lot configuration. Mr. Soto also indicated that there is a reciprocal easement agreement that allows patrons from any of these businesses to cross property lines onto other businesses within the shopping center.

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

Mr. Jason Wildner, Area Construction Manager as well as representative of McDonalds approached the podium and thanked the Commission for this opportunity. He indicated that the side by side drive-through project will help improve the customer experience at McDonalds. Mr. Wildner stated that he was available to answer any questions the Commissioners had regarding the proposed project.

Chairperson Rivera asked Mr. Wildner about the traffic coming from Florence Avenue into the McDonalds property. Mr. Wilder stated that the new plan included stripping to help direct customers to the side by side drive-thru area.

Mr. John Lam, Assistant City Attorney stated that the four different parcels that are owned by four different owners, contributes to the traffic flow making it hard to monitor the exact amount of traffic coming in and out of the shopping center.

Hearing no one else 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 Conditional Use Permit No. 2017-031. Motion carried by a 4-0.

**2. Zoning Code Amendment No. 2017-060 – Ordinance No. 884
Commercial Building Setbacks
(File No. 2017-060)**

Ms. Morales gave the presentation on Zoning Code Amendment No. 2017-060 – Ordinance No. 884.

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.

Chairperson Rivera stated that he would like to be business friendly and have the Ordinance allow for both residential and commercial sites to build all the way to property line.

Mr. Lam stated that although there are currently properties that are built up to property line, the concern that staff had allowing to build up to property line is that in case of an emergency exiting windows for instance, would be very difficult for someone to get out of. Mr. Lam further indicated that lighting and ventilation would be another concern.

Ms. Morales stated that the diagrams shown in the presentation were very standard examples and stated that some properties in the City of Bell Gardens are developed with more than one building, they may have multiple windows or multiple units on the property line. Ms. Morales further indicated that staff's concern were for residential properties that are built up to a property line adjacent to a conforming commercial use. Ms. Morales also indicated that staff would like to ensure that proper light and ventilation are being provided and advised the Commission that if there is a commercial property that would like to develop to the property line, then a variance could be requested as long as a hardship is demonstrated by the applicant.

Mr. Avalos, Director of Community Development stated that the diagrams included in the presentation were intended to show what staff was trying to describe in the report but in reality, there are no properties in the City of Bell Gardens that reflect the exact diagrams shown. Mr. Avalos further stated that as Ms. Morales indicated there is the ability for the commercial property owner to apply for a variance to go beyond the 5 foot setback. Mr. Avalos also indicated that the diagrams shown in the presentation were not true to the City of Bell Gardens properties because in most instances, there are no commercial properties

abutting against residential properties as shown in the diagram. Mr. Avalos further indicated that usually there is a public alley between the commercial properties creating a twenty foot buffer from the residential property. Therefore, in most instances, commercial properties would be able to build all the way to the rear property line by having the alley separating one zone from another.

Minor discussion took place among staff and the Commission.

Mr. Avalos stated that staff has worked diligently on this Ordinance to strike a balance between health and safety as well as promoting economic development.

Chairperson Rivera stated he would like to see the City be a little more business friendly and flexible to allow the same rights for both commercial and residential properties.

Mr. Avalos clarified that Chairperson Rivera was not opposing staff's recommendation, but would like to allow commercial businesses to maximize their property rights. Chairperson Rivera stated that was correct.

Mr. Avalos stated if the Commission would like to further explore this Ordinance, staff could bring this item back to the Commission at a later meeting date.

Commissioner Leon stated that a variance could be given to property owners giving them the option to expand their businesses to the maximum.

Mr. Avalos stated that was correct, and added that variances are not quite easy to approve given that staff has to make valid findings prior to approval of a variance. Therefore, staff's goal is to make this Ordinance as good as it could be.

Mr. Lam suggested continuing this public hearing and for staff to bring back photographs and examples for the Commission to review. Mr. Avalos agreed to bring back photographs and examples of existing properties in the City to help the Commission in their decision.

Vice- Chairperson Carrillo stated that if a potential buyer would like to purchase a property but is told a variance would be needed, it may discourage them due to the additional costs involved in obtaining a variance.

Mr. Lam suggested making a motion to continue this item to the next Planning Commission meeting, and at that time staff could decide if the public hearing will need to be continued to a subsequent meeting.

Staff agreed to bring this item to the October 18, 2017 Planning Commission meeting.

A motion was made by Vice-Chairperson Carrillo and seconded by Commissioner Hernandez, to continue this public hearing item to the October 18, 2017 regular Planning Commission meeting. Motion carried by a 4-0.

B. Substandard Properties – None

DISCUSSION ITEMS – None

STAFF INFORMATION ITEMS – None

COMMISSION INFORMATION ITEMS – None

ADJOURNMENT

Chairperson Rivera made a motion to adjourn the meeting at 7:18 p.m.

RECORDED BY:



ERIKA GUTIERREZ, PLANNING SECRETARY

