



26 August 2024

MAYOR JOE VINATIERI
MAYOR PRO TEM CATHY WARNER
COUNCILMEMBER OCTAVIO CESAR
COUNCILMEMBER FERNANDO DUTRA
COUNCILMEMBER MARY ANN PACHECO
City of Whittier
13230 Penn Street
Whittier, CA. 90602

RE: City Council Agenda Item 12.A. – Proposed Amendments to the Whittier Municipal Code (WMC) ZCA22-0001 and ZCG24-0001

Dear Mayor Vinatieri, Mayor Pro Tem Warner and Honorable Councilmembers:

TRC - owner and operator of The Quad shopping center – submitted written comments and provided public testimony during the City Council’s August 13, 2024, Public Hearing on the above referenced item. We appreciate the City Council’s and Staff’s consideration of our suggestions relative to minimum residential density in the MU-2 and MU-3 Zones, and conditionally permitted restaurants with drive through uses in MU Zones.

We support the important amendments to WMC 18.10.050 with respect to modifications to or waivers of minimum density requirements given certain circumstances. Providing flexibility at the low-end of the density spectrum will often determine if a property identified in the Housing Site Inventory of the City’s Housing Element is indeed developed with badly needed housing. However, it remains important in our opinion that the Code allow for modifications or a waiver of minimum density requirements when project sites abut R-1 neighborhoods or when residential projects are unable to meet open space and setback requirements given the minimum density requirement.

We note in the Agenda Report for Item 12.A that restaurants with drive-throughs continue to be proposed as prohibited uses in all Mixed-Use zones save for drive-through restaurants in the Lincoln and Whittwood Town Center Specific Plans and *existing* drive-through restaurants in the new Mixed-Use zones, which will become legal non-conforming upon adoption of the new Code.

While we respect Staff’s basis for proposing the prohibition of new drive-through restaurants in all Mixed-Use zones (the compact, walkable nature of Mixed-Use areas; comfortable pedestrian connections; drive-through restaurants may diminish walkability), our experience is that drive-through businesses in Mixed-Use setting are not always nor universally incompatible. This is particularly true in Horizontal Mixed-Use environments where drive-through businesses anchor one or more hard corners of a Horizontal Mixed-Use community. Indeed, even in vertical Mixed-

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Use development, drive-through restaurants are increasingly integrated into projects as two-story modular uses (at-grade drive-through, second floor in-door dining) in multi-story residential structures.

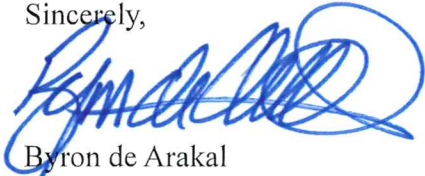
Additionally, the City does not jettison its land-use authority by allowing conditionally permitted drive-through restaurants in Mixed-Use zones. Indeed, it provides a mechanism by which proposed drive-through restaurants would receive vigorous public review by City Staff, by the Planning Commission, by the City Council and under the provisions of the California Environmental Quality Act (CEQA).

Conversely, a blanket prohibition of drive-through restaurants in Mixed-Use zones precludes any possibility for the evaluation of a drive-through restaurant use in the context of project site's unique characteristics, location and overall project site plan.

Allowing conditionally permitted drive-through restaurants in Mixed-Use zones creates a pathway for the City to carefully evaluate and regulate these uses on a project-by-project basis, and ultimately to reap the economic benefits of these important uses should they be approved.

We hope you agree.

Sincerely,



Byron de Arakal
Consulting Director
Entitlement Planning and Special Projects

Cc: Brian Saeki – City Manager
Ben Pongetti – Director of Community Development
Rigo Garcia – City Clerk