

PUBLIC HEARING

2. CONDITIONAL USE PERMIT NO. 333 – Planning Commission consideration of a request to establish the on-sale of beer and wine in conjunction with a restaurant located at 12806 La Mirada Boulevard within the Imperial Highway Specific Plan (IHSP) Zoning District.

Chairman Saenz introduced the item and requested staff's report.

Gabriel Bautista, Community Development Director, introduced Planning Technician Abraham Luna and stated that he would be presenting his first item before the Planning Commission for the proposed Conditional Use Permit.

Mr. Luna stated that the applicant, Dave Lee, submitted an application for Conditional Use Permit No. 333 on behalf of Yoshiharu Ramen for the on-sale of beer and wine in conjunction with a restaurant located at 12806 La Mirada Boulevard located within the Imperial Highway Specific Plan (IHSP) Zoning District.

Mr. Luna stated that Yoshiharu Ramen is a Japanese-style restaurant that provides both dine-in and take-out services, and that the applicant is requesting the on-sale of beer and wine as part of their existing operations. Mr. Luna indicated that restaurants seeking to sell alcohol within the city are required to process and obtain approval of a Conditional Use Permit (CUP) prior to initiating such sales. He added that the business is located within the Stater Bros. multi-tenant commercial center located at the southeast corner of La Mirada Boulevard and Imperial Highway and that businesses within the center include Stater Bros. Market, Burger King, Tokyo Town Sushi, as well as other restaurant, retail and service uses. He further added that the subject commercial center is surrounded by commercial centers to the north, south, east, and west with similar service, restaurant and retail uses.

Mr. Luna stated that the suite occupied by Yoshiharu Ramen consists of a 1,500 square foot restaurant with a commercial kitchen, restrooms, and indoor dining area with a maximum seating capacity of 15. He added that the seating capacity is limited due to available parking and that the seating includes 1 ADA accessible seat. Mr. Luna stated that the restaurant recently completed tenant improvements and opened for business in February 2022. He also stated that the suite was most recently previously occupied by Alex's Skin Care Center in 2019.

Mr. Luna reviewed the intersection of La Mirada Boulevard and Imperial Highway stating that there are commercial centers on all four corners and that identified four additional businesses with on-sale licenses in the area. He added that some of the identified licenses are outside of the Census Tract that encompasses the site including Pieology Pizzeria, Scratch Billiards Sports & Grill, El Pescador Restaurant and Pizza Hut. Mr. Luna also stated that the Census Tract that encompasses that subject business has five

businesses with active licenses for the on-sale of alcoholic beverages: Tokyo Town Sushi, Legends Hot Chicken, Sol Inka Restaurant, and La Casa Del Cocinero.

Mr. Luna stated that the California Department of Alcoholic Beverage Control's (ABC) over concentration limit for on-sale licenses within a Census Tract is one license for every 944 residents. Mr. Luna added that according to the 2020 Census, the total population for this tract is 3,838 resulting in 4.1 recommended on-sale licenses within the tract. Mr. Luna further added that the addition of a license for Yoshiharu Ramen would result in a 6th license within the tract causing an overconcentration of on-sale licenses with the subject tract. Mr. Luna also added that having an overconcentration of licenses is not uncommon as the intersection of La Mirada Boulevard and Imperial Highway is a large commercial area where the concentration is expected to be higher than other tracts within the City that fewer commercial establishments.

Mr. Luna stated that staff's recommended conditions of approval to reduce potential impacts include:

- Beer and wine shall be sold and consumed only to patrons dining in the restaurant;
- License must be reviewed and approved by Alcoholic Beverage Control (ABC);
- Beer and wine sales are limited to their operation hours of 11 a.m. and 10 p.m.;
- Alcohol shall be served in conjunction with food prepared in an on-site kitchen;
- No signs or advertising of any type promoting alcoholic beverages;
- No bar or lounge area;
- Responsible business staff 21 years of age or older on premises during hours of operation;
- Comply with Noise Ordinance;
- No loitering;
- No solicitation of drinks; and
- Outdoor premises area shall be free of litter at all times

Mr. Luna reviewed the following required findings for approval of the application:

- a) The project is consistent with the types of uses permitted within the existing zoning district, therefore, not impairing the integrity and character of the zone or affecting adjacent properties;
- b) The site provide sufficient utilities of on-site parking and vehicle circulation to accommodate the restaurant;
- c) The on-sale of beer and wine be consistent with existing and future surrounding land uses;
- d) The project is consistent with the La Mirada General Plan; and

- e) The project will not be detrimental to the public interest, health, safety, convenience, or welfare as the project is located within a multi-tenant commercial center with similar commercial uses.

Mr. Luna stated that pursuant to Section 15301 of the California Environmental Quality Act, the project is categorically exempt and concluded his presentation by recommending that the Planning Commission conduct a public hearing; adopt the Categorical Exemption; and adopt Resolution No. P-02-22 approving Conditional Use Permit No. 333 to establish the on-sale of beer and wine in conjunction with a restaurant located at 12806 La Mirada Boulevard within the Imperial Highway Specific Plan Zoning District.

Chairman Saenz opened the public hearing and asked if anyone wished to speak in favor of the project.

Mr. Dave Lee addressed the Commission and stated that he is the business manager for Yoshiharu Ramen. Mr. Lee stated that most of their revenue comes from food sales and that alcohol and beverage sales accounts for three to five percent of their total revenue. Mr. Lee further stated that Yoshiharu Ramen is not a restaurant that promotes alcohol and drinking, but that they do like to have the ability to offer that option to their patrons.

There being no one else wishing to speak in favor of the project, Chairman Saenz asked if anyone wished to speak in opposition.

There being no speakers in opposition to the project, Chairman Saenz closed the public hearing and opened the item for discussion.

Commissioner Massey asked if we have previously approved CUP's of this nature and if there were any unique stipulations for this CUP when compared to others.

Mr. Bautista responded and stated that the project is not unique and that for the conditions included in the resolution are standard conditions. He added that staff visited the business and site and found no reason to generate unique conditions. He further stated that the proposed conditions are typical for on-sale alcohol uses.

Mr. Luna stated that he did investigate police reports within the area itself and found that there have not been any reports from uses similar to the proposed use; leading him to believe the proposed on-sale alcohol service, in conjunction with a restaurant, is an appropriate use within the center.

Commissioner Miranda asked the applicant if they are the new owners of the existing restaurant.

Mr. Lee responded and stated that they are the new owners.

Commissioner Miranda asked if the Department of Alcoholic Beverage Control (ABC) have anything to do with agreeing to this Conditional Use Permit (CUP).

Mr. Bautista responded and stated for clarification purposes that this is a new restaurant that recently established and prior to the tenant space being a restaurant, it was a skin care facility. He further stated that these new owners did the tenant improvements for Yoshiharu Ramen restaurant, and that they are now requesting a Conditional Use Permit for the on-sale of beer and wine. He added that the ABC will also have to grant a license requiring the applicant to go through their process and that the conditions that staff is proposing are the City's conditions.

Chairman Saenz asked Mr. Lee what the hours of operation are.

Mr. Lee responded and stated that the hours of operation are Sunday through Thursday 11 a.m. to 9 p.m. and Friday through Saturday 11 a.m. to 10 p.m.

There being no further discussion, Chairman Saenz closed the public hearing and requested a motion on the item.

Commissioner Olsen moved, and Commissioner Miranda seconded to affirm the Categorical Exemption and adopt Resolution No. P-02-22 approving Conditional Use Permit No. 333 to establish the on-sale of beer and wine in conjunction with a restaurant located at 12806 La Mirada Boulevard within the Imperial Highway Specific Plan (IHSP) Zoning District.

MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

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

Mr. Bautista stated that item is approved pending the expiration of the appeal period.

PUBLIC COMMENT PERIOD

No one spoke.

COMMISSION ANNOUNCEMENTS

Commissioner Olsen stated that he attended the State of the City address held on January 27, 2022.

Commissioner Massey stated that at the City Council meeting to be held on April 12, 2022 his father will be recognized for his 80th birthday and invited those present to attend the presentation.

Commissioner Miranda welcomed Yoshiharu Ramen to the City of La Mirada. He stated that the City of La Mirada is a business-friendly community and hopes that all goes well with the business. He also thanked staff for the new commissioner shirts.

Commissioner Saenz mentioned the upcoming annual Easter Egg Hunt and Mayor's Prayer Breakfast.

Vice Chairman Cline stated the that he: attended the State of the City address; supported the Community Services Commission; was part of the review process for Behringer and Los Coyotes golf fields; attended the judging of the Traffic Control Box Art contest; attended a public safety zoom meeting held by Mary Cypress; Registered for the County's Tax Assessor's Office meeting on Accessory Dwelling Units (ADUs); invited those present to join his pickle ball group; and stated that he did his own analysis of the Regional Housing Needs Assessment (RHNA) process and asked if we are still in the middle of that approval.

Mr. Bautista responded and stated that the Housing Element is currently on the City's website and is available for public review and comment, which will run through April 9, 2022, after which the draft document can be submitted to the state for initial review.

Chairman Saenz congratulated Mr. Dave Lee and wished him lots of luck. He also stated he looks forward to stopping by the restaurant. He also mentioned that the Spring Beautification program is out and that some of us on this commission are involved including himself as a judge.

STAFF ANNOUNCEMENT

Mr. Bautista introduced the following new staff persons: Abraham Luna, Planning Technician; Noah Cisneros, Planning Technician and violinist with the La Mirada Symphony; and Yolanda Recio, Department Secretary.

Mr. Bautista advised the commissioners of their new polo shirts and hopes the sizes are correct and to advise staff if the size was not correct. He also reminded the commissioners of the March 31, 2022 deadline to complete the required Ethics Training,

Mr. Bautista also stated that the commissioners were provided an email from the Community Services Department requesting that those interested in serving as a volunteer judge for the 2022 Spring Beautification Program contact them directly.

Mr. Bautista advised the commissioners of upcoming inaugural Farmers Market on April 2, 2022, and further stated that the Farmers Market will be held on the first (1st) Saturday of every month thereafter.

Mr. Bautista stated that he had a question from one of the commissioners on the status of Tom's Tailgate and stated he was turning it over to Arturo Cervantes, the Associate Planner for an update.

Arturo Cervantes briefly updated the commission on the status of Tom's Tailgate and stated that the site was cleaned up a little bit on the back side. He stated that some of the items of contention were the unpermitted structure and the storage bins. He stated that the bins are still there and that they did remove one of the structures. He also stated that they initiated the construction of a trash enclosure very early on, of which they were asked to stop, as it was not being built to code. He noted that the staff provided the applicant/business with a standard construction plan for a trash enclosure but that the applicant has not submitted anything yet. He stated that he contacted the applicant by telephone at which time he was advised by the applicant that he had a designer who was working on plans. He also noted that there is a one-year deadline on the project and that it was originally approved in July 2021. He also stated that if the applicant does not move forward with the project soon, they will need to request an extension.

Mr. Bautista continued his announcements stating that he emailed everyone on the commission a link to the Draft Housing Element which is on the City's website for public review and comment through April 9, 2022. He also stated that if comments are not received, the draft document will immediately be forwarded to the state for initial review; but if comments are received, there is a waiting period of ten (10) days in order to respond to said comments before it is forwarded to the state.

Mr. Bautista acknowledged receipt of Vice Chairman Cline's email regarding the City's infrastructure. He responded that the public right-of-way is under the authority of the City's Public Works Department.

Chairman Saenz said he noticed that the Church of the Nazarene on Foster Road has been leveled now.

Mr. Bautista responded and stated that just this week they finally received their grading permit.

Chairman Saenz asked about the VCA project on Rosecrans Avenue.

Mr. Garcia responded and stated that there are no new updates only that they are moving really slow.

Chairman Saenz asked if there was anything in the future for next month's agenda.

Mr. Bautista responded and stated that there will be at least one item on the agenda for next month's meeting.

Commissioner Olsen asked for an update on the office building on Firestone Boulevard regarding the parking lot spaces. He asked if they had come back with any revisions on it, as he had suggested they look at that one additional area.

Mr. Bautista responded and asked if this was in reference to that portion of the cul-de-sac that is not part of the property.

Commissioner Olsen clarified that he was inquiring about the addition of more parking spaces along the rear of the building.

Mr. Garcia responded and stated that they are still working on that and that they have submitted some plans, but not plans specific to that area of the site.

Commissioner Massey stated that he received the certificate of completion for the mandated Ethics Training despite having completed the training prior to expiration of the required the two hours. He asked if this was acceptable.


Mr. Bautista responded and stated that having the certificate of completion should suffice but that he will double check with the City Clerk's Office and get back to him.

Chairman Saenz welcomed Abraham, Noah, and Yolanda aboard and wished them the best of luck in their careers. He also wished everyone a Happy St. Patrick's Day.

ADJOURNMENT

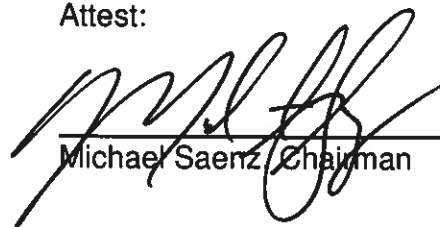
There being no further business to come before the Planning Commission, Chairman Saenz adjourned the meeting at 7:00 P.M. to the next regular meeting to be held on Thursday, April 21, 2022.

Submitted:



Yolanda Recio, Secretary

Attest:



Michael Saenz, Chairman