

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

**August 17, 2017**

**CALL TO ORDER**

The regular meeting of the Planning Commission was called to order at 6:30 p.m. by Chairman Lee Olsen in Council Chambers at City Hall, 13700 La Mirada Boulevard, La Mirada, California.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**ROLL CALL**

Present:

Chairman Lee Olsen  
Vice Chairman Scott Anderson  
Commissioner Changhai Ahn  
Commissioner Keith Chung  
Commissioner Michael Saenz

Staff:

Gabriel Bautista, City Planner  
Eric Garcia, Associate Planner  
D. Craig Fox, City Attorney  
Chantel Choice, Planning Technician  
Norma Stein, Secretary

**APPROVAL OF MINUTES**

**1. MINUTES OF THE REGULAR MEETING OF JULY 20, 2017**

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

**MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:**

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

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

**PUBLIC HEARING**

**2. CONDITIONAL USE PERMIT NO. 319**

Planning Technician Chantel Choice provided a brief review of the staff report via a

PowerPoint presentation. Ms. Choice stated that this is a request for Planning Commission consideration of Conditional Use Permit No. 319, for the expansion of an existing on-sale alcohol license by extending the hours of operation and allowing for the sale and consumption of beer and wine within the outdoor dining area of an established restaurant located at 15294 Rosecrans Avenue, within the General Commercial (C-4) Zoning District.

Ms. Choice provided a brief background and stated that on August 17, 2017, in accordance with the provisions of Chapter 21.110 of the Zoning Ordinance, Laura and Brock Godwin, owners and operators of "Cabo Taco Baja Grill" submitted an application for Conditional Use Permit No. 319 to expand their current on-sale of beer and wine to the existing outdoor dining area connected to the existing restaurant and to extend the restaurants hours of operation.

Ms. Choice mentioned that the project site consist of a 2,691 square foot tenant suite with a 468 square foot enclosed outdoor dining area located within the La Mirada Theatre Center.

Ms. Choice stated 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.

Ms. Choice mentioned that the subject site is located within the La Mirada Theatre Shopping Center. She also mentioned that the center is currently developed with a large grocery store, various restaurants, clothing stores, banks, personal service businesses and various retail shops.

Ms. Choice stated that on January 15, 2004, the Planning Commission adopted Resolution No. P-2-04, approving CUP No. 255, which allowed for the operation of the existing full service, dine-in restaurant (Cabo Taco) with the on-sale of beer and wine. The Conditions of Approval for CUP No. 255 restricted the sale and consumption of beer and wine to the interior dining area only; no alcohol was allowed in the connected outdoor patio dining area.

Ms. Choice stated that the subject site is located within the General Commercial (C-4) Zoning District, and that the properties located to the north, south, east, and west are developed with single family homes.

Ms. Choice mentioned that currently the restaurant has a Type 41 ABC licensing. She also mentioned that there are six active on-sale licenses within the subject Census Tract and that the recommended number of on-sale licenses for this particular Census Tract is four (4). She stated that the six active licenses include: Cabo Taco, Ginzaya Sushi, Sizzler, Chuck E. Cheese, Shabuya, and the La Mirada Theatre for the Performing Arts.

Ms. Choice reviewed the following conditions of approval:

- The outdoor dining area shall be limited to a total of 20 seats;
- The outdoor dining area shall only be available to patrons from 7:00 a.m. thru 10:00 p.m.;
- Beer and wine sales shall only occur in conjunction with food sales;
- The use shall be reviewed and approved by the California Department of Alcoholic Beverage Control;
- The use shall operate in compliance with the La Mirada Municipal code;
- Beer and wine sales shall be limited to the hours of 10:00 a.m. thru 11:00 p.m.;
- Food sales shall be no less than 60% of gross sales;
- No signs or advertising of any type shall be displayed promoting alcoholic beverages;
- A designated responsible person, 21 years of age or older, shall be on the premises during hours of operation;
- The use shall comply with the city's Noise Ordinance;
- No loitering shall be allowed;
- There shall be no solicitation of drinks; and
- The outdoor area shall be free of litter at all times.

Ms. Choice stated that the Project will not impair the integrity and character of the Zoning District and that the site is suitable for the Project in regards to land use. She also stated that the Project is compatible with existing and anticipated future land uses.

Ms. Choice stated that the Project is consistent with the General Plan, and that it will not be detrimental to the public interest, health, safety, convenience or welfare.

Ms. Choice stated that the proposed Project is categorically exempt from the provisions of the California Environmental Quality Act pursuant to the Guidelines, Section 15301, "Existing Facilities" and that the project as conditioned will have no significant effect on the environment.

Ms. Choice concluded by recommending that the Planning Commission conduct a public hearing, adopt the Categorical Exemption, and adopt Resolution No. P-05-17 approving Conditional Use Permit No. 319 to extend the hours of operation and allow beer and wine service within the outdoor dining area of an existing dine-in restaurant located at 15294 Rosecrans Avenue, within the General Commercial (C-4) Zoning District.

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

Resident Don Lopich stated that he supports the project, and stated that he has gone to

Cabo Taco for the past twenty (20) years, and has not experienced any problems within the restaurant. He also expressed his support for the expansion of beer and wine service into the outdoor dining area.

Owner Brock Godwin gave a brief background on his family, the subject site, the restaurant business and his history of living in the city. He stated his desire to expand beer and wine service to the existing outdoor dining area and stated he will comply with all the conditions and that he was committed to maintaining the restaurant as a family restaurant.

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

No members of the public spoke.

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

Commissioner Chung asked if there was a door leading from the enclosed outdoor dining area to the sidewalk or plaza in front of the movie theatre.

Ms. Choice responded and stated that the outdoor dining area was only accessible from the interior of the restaurant.

Commissioner Chung expressed his concern, and stated that for emergency purposes a restaurant of this size is required to have a minimum of two exits, thereby requiring an exit gate leading from the outside dining area to the sidewalk.

City Planner Gabriel Bautista responded and stated that although the outdoor dining area was existing, staff would discuss the matter with the Building Plan Checker to verify if the applicant is required to provide an exit door from the outdoor dining and suggested that a condition be added to include the provision of an exit gate if required by the Plan Checker.

Commissioner Saenz stated that he had concerns with the proposed use until he visited the restaurant and saw the layout of the outdoor dining area. Commissioner Saenz requested clarification on the discrepancy between outdoor dining area hours and the alcohol service hours.

Mr. Bautista responded and stated that the outdoor dining area will be closed at 10:00 p.m. but that alcohol service would be allowed to continue within the interior of the restaurant until 11:00 p.m.

Chairman Olsen stated that the City of La Mirada is striving to be business friendly while also considering the safety and welfare of the public. He also stated that great responsibility comes with the approval of a CUP, and warned that a CUP may be

revoked if the conditions of approval are not followed.

City Planner Gabriel Bautista recommended that the following condition be add to the list of conditions of approval to address Commissioner Chung's concern: "The applicant shall provide an addition outdoor exit from the open patio area as may be required by the Building and Safety Division."

Chairman Olson requested a motion.

**Commissioner Saenz moved and Vice Chairman Anderson seconded to adopt the Categorical Exemption; and adopt Resolution P-05-17 approving Conditional Use Permit No. 319 for the expansion of an existing on-sale alcohol license (type 41) to allow for the sale and consumption of beer and wine within the outdoor dining area and extend the hours of operation at an established dine-in restaurant located at 15294 Rosecrans Avenue, within the General Commercial (C-4) Zoning District.**

**MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:**

**AYES: Chairman Olsen, Vice Chairman Anderson, Commissioner Ahn  
Commissioner Chung, Commissioner Saenz**  
**NOES: None**  
**ABSENT: None**  
**ABSTAIN: None**

**PUBLIC COMMENT PERIOD**

There were no public comments.

**COMMISSION ANNOUNCEMENTS**

There were no announcements.

**STAFF ANNOUNCEMENTS**

There were no announcements.

Commissioner Saenz asked when the Chase Bank would be opening.

Mr. Bautista responded and stated that Chase Bank recently obtained Building Permits for the tenant improvements.

Chairman Olsen asked if there would be any items on the agenda for next month.

Regular Meeting of the Planning Commission  
August 17, 2017

Mr. Bautista responded and stated that staff anticipated having at least one item on the agenda for September 2017 meeting.

**ADJOURNMENT**

There being no further business to come before the Commission, the Planning Commission adjourned the meeting at 7:00 p.m. to the next regular meeting to be held on Thursday, September 21, 2017.

Submitted:

  
\_\_\_\_\_  
Norma Stein, Secretary

Attest:

  
\_\_\_\_\_  
Lee Olsen, Chairman