



# SAN FERNANDO

## PLANNING AND PRESERVATION COMMISSION

### REGULAR MEETING NOTICE AND AGENDA

FEBRUARY 7, 2017 – 6:30 P.M.

COUNCIL CHAMBERS  
117 MACNEIL STREET  
SAN FERNANDO, CA 91340

#### **CALL TO ORDER**

#### **OATH OF OFFICE**

Administration of Oath of Office for Jennifer Perez-Helliwell

#### **ROLL CALL**

Chair Theale E. Haupt  
Vice-Chair Alvin Durham, Jr.  
Commissioner Kevin Beaulieu  
Commissioner Yvonne G. Mejia  
Commissioner Jennifer Perez-Helliwell

#### **PLEDGE OF ALLEGIANCE**

#### **APPROVAL OF AGENDA**

February 7, 2017

#### **PUBLIC STATEMENTS – WRITTEN/ORAL**

There will be a three (3) minute limitation per each member of the audience who wishes to make comments relating to City Business. Anyone wishing to speak, please fill out a form located at the Council Chambers entrance and submit it to the Commission Chair. When addressing the Planning and Preservation Commission please speak into the microphone and voluntarily state your name and address.

#### **CONSENT CALENDAR**

Items on the Consent Calendar are considered routine and may be disposed of by a single motion to adopt staff recommendation. If the Planning and Preservation Commission wishes to discuss any item, it should first be removed from the Consent Calendar.

## PLANNING AND PRESERVATION COMMISSION

Regular Meeting Notice and Agenda – February 7, 2017

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**1) REQUEST TO APPROVE THE MINUTES OF SPECIAL MEETING OF NOVEMBER 22, 2016, PLANNING AND PRESERVATION COMMISSION MEETING.**

**NEW BUSINESS**

**2) SUBJECT:** Conditional Use Permit 2017-001 (CUP 2017-001) – 227 - 229 North Maclay Avenue, San Fernando, CA 91340

**APPLICANT:** Cesar S. Garcia – P.O. Box 921954, Sylmar, CA 91392

**PROPOSAL:** The proposed “Project” is a request for review and approval of a Conditional Use Permit (CUP) 2017-001, amending CUP 2013-01, in order to allow an existing bona fide eating establishment with existing on-site sale and consumption of alcoholic beverages as an ancillary use, including beer and wine for consumption onsite (Type 41; On-Sale Beer and Wine – Eating Place), to allow the following: upgrade the existing beer and wine license to a beer, wine, and distilled spirits (Type 47; On-Sale General – Eating Place), for consumption onsite and within the adjacent tenant space (227-229 N. Maclay Ave.); allow for the sale and consumption of alcohol within a designated outdoor dining area; provide outdoor live entertainment within designated stage area from 10:00am – 10:00pm; and allow up to twelve (12) special events per calendar year with associated alcohol sales and consumption within the entire commercial center courtyard area (per California Department of Alcoholic Beverage Control (ABC) rules) located at 227-229 North Maclay Avenue.

The requested CUP would allow for the applicant to apply for a Type 47 alcohol license with ABC. The existing restaurant occupies an approximate 1,427 square foot tenant space. The project will facilitate expansion into the adjacent two-story approximately 1,209 square foot tenant space (227-229 N. Maclay Ave.) and utilization of an approximate 626 square foot designated for outdoor dining area. The subject property is an approximate 29,812.5 square feet site. The Project site is located at the west side of the 200 block of North Maclay Avenue, between Second Street and Third Street. In addition, the Project site is within the Downtown District – City Center

## PLANNING AND PRESERVATION COMMISSION

Regular Meeting Notice and Agenda – February 7, 2017

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Sub-District of the San Fernando Corridors Specific Plan (SP-4) Zone.

**RECOMMENDATION:**

Staff recommends that the Planning and Preservation Commission approve Conditional Use Permit (CUP) 2017-001, amending CUP 2013-01, pursuant to Planning and Preservation Commission Resolution No 2017-002 (Attachment No. 1) and the Conditions of Approval attached as Exhibit “A” in order to allow the following:

- Upgrade the existing beer and wine license (Type 41; On-Sale Beer and Wine – Eating Place) to a beer, wine, and distilled spirits (Type 47; On-Sale General – Eating Place), for consumption onsite and within the adjacent tenant space (227-229 N. Maclay Ave.);
- Allow for the sale and consumption of alcohol within a designated outdoor dining area;
- Provide outdoor live entertainment within designated stage area with modified hours as recommended by City Planning staff; and
- Allow up to twelve (12) special events per calendar year with associated alcohol sales and consumption within the entire commercial center courtyard area (per ABC rules) located at 227 - 229 North Maclay Avenue, subject to meeting certain performance milestones recommended by City Planning Staff as part of the conditions of Project approval.

*If, in the future, you wish to challenge the items listed above 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 City Planning and Preservation Commission at, or prior to, the Public Hearing. Decisions of Planning and Preservation Commission may be appealed to the City Council within 10 days following the final action.*

**CONTINUED BUSINESS**

None

**STAFF COMMUNICATIONS**

None

# PLANNING AND PRESERVATION COMMISSION

Regular Meeting Notice and Agenda – February 7, 2017

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## COMMISSIONER COMMENTS

### ADJOURNMENT

March 7, 2017

*I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on the City Hall bulletin board not less than 72 hours prior to the meeting.*



Fred Ramirez

Signed and Posted: (February 2, 2017 at 6:00 p.m.)

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Agendas and complete Agenda Packets (including staff reports and exhibits related to each item) are posted on the City's Internet Web site ([www.sfcity.org](http://www.sfcity.org)). These are also available for public reviewing prior to a meeting at the Community Development Department Public Counter. Any public writings distributed by the Planning and Preservation Commission to at least a majority of the Commissioners regarding any item on this regular meeting agenda will also be made available at the Community Development Department Public Counter located at 117 Macneil Street, San Fernando, CA, 91340 during normal business hours. In addition, the City may also post such documents on the City's Web Site at [www.sfcity.org](http://www.sfcity.org). In accordance with the Americans with Disabilities Act of 1990, if you require a disability-related modification/accommodation to attend or participate in this meeting, including auxiliary aids or services please call the Community Development Department at (818) 898-1227 at least 48 hours prior to the meeting.

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**CITY OF SAN FERNANDO  
PLANNING AND PRESERVATION COMMISSION**

**DRAFT MINUTES OF THE  
NOVEMBER 22, 2016 SPECIAL MEETING  
CITY HALL COUNCIL CHAMBER**

**THE FOLLOWING MINUTES ARE A SUMMARY OF ACTIONS TAKEN BY THE PLANNING COMMISSION. AUDIO OF THE ACTUAL MEETING ARE AVAILABLE FOR LISTENING AT: [www.ci.san-fernando.ca.us/commissionandboardmeetings/#ppc](http://www.ci.san-fernando.ca.us/commissionandboardmeetings/#ppc)**

**CALL TO ORDER**

The meeting was called to order by Chairperson Theale Haupt at 6:30 p.m.

**ROLL CALL**

The following persons were recorded as present:

**PRESENT:**

Chairperson Theale Haupt, Vice-chair Alvin Durham, Commissioners Kevin Beaulieu, and Anna Lopez

**ABSENT:**

Yvonne Mejia

**ALSO PRESENT**

Community Development Director Federico “Fred” Ramirez, City Attorney Richard Padilla, and Community Development Secretary Michelle De Santiago

**APPROVAL OF AGENDA**

Vice-chair A. Durham moved to approve the agenda of November 22, 2016, meeting. Seconded by Commissioner K. Beaulieu the motion carried with the following vote:

AYES:	A. Durham, K. Beaulieu, T. Haupt, and Anna Lopez
NOES:	None
ABSENT:	Y. Mejia
ABSTAIN:	None

**CONSENT CALENDAR**

No Items

## **PLANNING AND PRESERVATION COMMISSION**

Special Meeting Minutes – November 22, 2016

Page 2 of 3

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### **UNFINISHED BUSINESS**

None

### **PUBLIC HEARING 1:**

**Certificate of Appropriateness 2016-001 – Lopez Villegas House Relocation and Rehabilitation Project – 1320 San Fernando Road, San Fernando, CA and 613 O’Melveny Street, San Fernando, CA 91340 – The project is a request for the Planning and Preservation Commission’s approval of a Certificate of Appropriateness 2016-001, pursuant to the City of San Fernando’s Historic Preservation Ordinance (City Code Sections 106-1392(a) and 106-13925 et. seq.) in order to allow for the relocation and alteration/rehabilitation of the Lopez Villegas House, a City-designated local historic landmark.**

### **STAFF PRESENTATION**

**Community Development Director Fred Ramirez provided the staff report recommending that the Planning and Preservation Commission approve Certificate of Appropriateness 2016-001 in order to facilitate the proposed relocation and alteration/rehabilitation of the Lopez Villegas House, pursuant to Planning and Preservation Resolution No. 2016-013 (Attachment No. 1) and the Conditions of Approval attached there in as Exhibit “A”.**

### **PUBLIC COMMENT**

Ernie Prado – 600 O’Melveny Street, San Fernando, CA 91340 – Mr. Prado stated he saw the Public Hearing notice on the property at 613 O’Melveny and decided he should attend the meeting to see what the proposal was regarding. He asked about the buyer of the Lopez Villegas House and asked about staff to explain the proposed layout of the property.

The Commission thanked Mr. Prado for his questions and for attending the meeting. They also encouraged him to return to future meetings.

### **COMMISSION DISCUSSION**

A. Durham and A. Lopez asked about the city-owned lot where the Lopez Villegas House is currently located if there were any proposed development currently being considered for the city-owned lot.

F. Ramirez indicated that at the present time there are no proposals for the city-owned lot at 1320 San Fernando Road, but that it will become easier for the city to consider any future proposals once the city-owned lot is vacant.

T. Haupt asked that staff clarify some grammatical and typographical errors in the report and the conditions of approval. He asked about the language associated with the “windows” and the accent colors description.

F. Ramirez provided the clarification and indicated that the Resolution and the Conditions of Approval would reflect the amended language.

## PLANNING AND PRESERVATION COMMISSION

Special Meeting Minutes – November 22, 2016

Page 3 of 3

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Subsequent to discussion, Commissioner A. Lopez moved to approve Certificate of Appropriateness 2016-001 in order to facilitate the proposed relocation and alteration/rehabilitation of the Lopez Villegas House, pursuant to Planning and Preservation Commission Resolution 2016-013 (Attachment No. 1), and the Conditions of Approval attached there in as Exhibit “A”. Seconded by Commissioner K. Beaulieu, the motion carried with the following vote:

AYES:	A. Lopez, K. Beaulieu, A. Durham, and T. Haupt
NOES:	None
ABSENT:	Y. Mejia
ABSTAIN:	None

### STAFF COMMUNICATIONS

F. Ramirez asked the commission for their feedback on foregoing a December meeting and possibility having two meetings in January. He indicated that the application currently pending are for the Papa Juan’s Restaurant, an Industrial storage facility proposal, and the Update regarding various housing types and applicable local, state and federal regulations. Additionally, he provided the Commission with an update on the following pending Code Enforcement Cases:

- MP Auto at 1824 First Street
- 1101 N. Maclay Avenue – townhouse construction site
- 650 Glenoaks – Construction Plan Submittal

### COMMISSION COMMENTS

None

### PUBLIC STATEMENTS

None

### ADJOURNMENT

Vice-Chair A. Durham adjourned to the January 3, 2017 meeting. Seconded by Commissioner K. Beaulieu, the motion carried with the following vote:

AYES:	A. Durham, K. Beaulieu, T. Haupt, and A. Lopez
NOES:	None
ABSENT:	Y. Mejia
ABSTAIN:	None

7:14 P.M.

Fred Ramirez

Planning Commission Secretary







**MEETING DATE:** February 7, 2017

**PUBLIC HEARING:**

1. CHAIRPERSON TO OPEN THE ITEM AND REQUEST STAFF REPORT
2. STAFF PRESENTS REPORT
3. COMMISSION QUESTIONS ON STAFF REPORT
4. OPEN THE PUBLIC HEARING
5. CLOSE THE PUBLIC HEARING
6. PLANNING AND PRESERVATION COMMISSION DISCUSSION
7. RECOMMENDED ACTION:

a. To Approve:

“I move to approve Conditional Use Permit (CUP) 2017-001, amending CUP 2013-01, pursuant to Planning and Preservation Commission Resolution No 2017-002 (Attachment No. 1) and the Conditions of Approval attached as Exhibit “A” in order to allow the following:

- Upgrade the existing beer and wine license (Type 41; On-Sale Beer and Wine – Eating Place) to a beer, wine, and distilled spirits (Type 47; On-Sale General – Eating Place), for consumption onsite and within the adjacent tenant space (227-229 N. Maclay Ave.);
- Allow for the sale and consumption of alcohol within a designated outdoor dining area;
- Provide outdoor live entertainment within designated stage area with modified hours as recommended by City Planning staff; and
- Allow up to twelve (12) special events per calendar year with associated alcohol sales and consumption within the entire commercial center courtyard area (per ABC rules) located at 227 - 229 North Maclay Avenue, subject to meeting certain performance milestones recommended by City Planning Staff as part of the conditions of Project approval... (Roll Call Vote)

b. To Deny:

“I move to deny Conditional Use Permit 2017-001, based on the following...” (Roll Call Vote)

c. To Continue:

“I move to continue consideration Conditional Use Permit 2017-001 to a date specific date...” (Roll Call Vote)

Moved:\_\_\_\_\_

Seconded:\_\_\_\_\_

Roll Call:\_\_\_\_\_

**ITEM 2:**

**Conditional Use Permit 2017-001**





## AGENDA REPORT

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**To:** Planning and Preservation Commission Chairperson Haupt and Commissioners

**From:** Fred Ramirez, Community Development Director  
By: Humberto Quintana, Associate Planner

**Date:** February 7, 2017

**Subject:** **Conditional Use Permit 2017-001**  
227-229 North Maclay Avenue, San Fernando, CA 91340  
(Los Angeles County Assessor's Parcel No(s): 2520-026-012, 013, 014, 015)

**Proposal:** The proposed "Project" is a request for review and approval of a Conditional Use Permit (CUP) 2017-001, amending CUP 2013-01, in order to allow an existing bona fide eating establishment with existing on-site sale and consumption of alcoholic beverages as an ancillary use, including beer and wine for consumption onsite (Type 41; On-Sale Beer and Wine – Eating Place), to allow the following: upgrade the existing beer and wine license to a beer, wine, and distilled spirits (Type 47; On-Sale General – Eating Place), for consumption onsite and within the adjacent tenant space (227-229 N. Maclay Ave.); allow for the sale and consumption of alcohol within a designated outdoor dining area; provide outdoor live entertainment within designated stage area from 10:00am – 10:00pm; and allow up to twelve (12) special events per calendar year with associated alcohol sales and consumption within the entire commercial center courtyard area (per California Department of Alcoholic Beverage Control (ABC) rules) located at 227-229 North Maclay Avenue.

The requested CUP would allow for the applicant to apply for a Type 47 alcohol license with ABC. The existing restaurant occupies an approximate 1,427 square foot tenant space. The project will facilitate expansion into the adjacent two-story approximately 1,209 square foot tenant space (227-229 N. Maclay Ave.) and utilization of an approximate 626 square foot designated for outdoor dining area. The subject property is an approximate 29,812.5 square feet site. The Project site is located at the west side of the 200 block of North Maclay Avenue, between Second Street and Third Street. In addition, the Project site is within the Downtown District – City Center Sub-District of the San Fernando Corridors Specific Plan (SP-4) Zone.

**APPLICANT:** Cesar S. Garcia  
P.O. Box 921954, Sylmar, CA 91392

## **RECOMMENDATION:**

Staff recommends that the Planning and Preservation Commission approve Conditional Use Permit (CUP) 2017-001, amending CUP 2013-01, pursuant to Planning and Preservation Commission Resolution No 2017-002 (Attachment No. 1) and the Conditions of Approval attached as Exhibit “A” in order to allow the following:

- Upgrade the existing beer and wine license (Type 41; On-Sale Beer and Wine – Eating Place) to a beer, wine, and distilled spirits (Type 47; On-Sale General – Eating Place), for consumption onsite and within the adjacent tenant space (227-229 N. Maclay Ave.);
- Allow for the sale and consumption of alcohol within a designated outdoor dining area;
- Provide outdoor live entertainment within designated stage area with modified hours as recommended by City Planning staff; and
- Allow up to twelve (12) special events per calendar year with associated alcohol sales and consumption within the entire commercial center courtyard area (per ABC rules) located at 227-229 North Maclay Avenue, subject to meeting certain performance milestones recommended by City Planning Staff as part of the conditions of Project approval.

## **PROJECT OVERVIEW:**

On January 23, 2017, Cesar S. Garcia (the “Applicant”), submitted a Conditional Use Permit (CUP) application seeking to amend an existing CUP in order to allow an existing bona fide eating establishment with existing ancillary sale of alcoholic beverages, including beer and wine for consumption onsite (Type 41; On-Sale Beer and Wine – Eating Place), to allow the following:

- Upgrade the existing beer and wine license (Type 41; On-Sale Beer and Wine – Eating Place) to a beer, wine, and distilled spirits (Type 47; On-Sale General – Eating Place), for consumption onsite and within the adjacent tenant space (227-229 N. Maclay Ave.), subject to ABC’s review and approval of a Type 47 license;
- Allow for the sale and consumption of alcohol within a designated outdoor dining area;
- Provide outdoor live entertainment within designated stage area from 10:00am – 10:00pm; and
- Allow up to twelve (12) special events per calendar year with associated alcohol sales and consumption within the entire commercial center courtyard area (per ABC rules) located at 227-229 North Maclay Avenue.

The existing restaurant, Papa Juan’s Restaurant, occupies an approximate 1,427 square-foot tenant space at 227 North Maclay Avenue. The Project request will facilitate expansion into the adjacent two-story approximately 1,209 square foot tenant space (229 N. Maclay Ave.) and utilization of an approximate 626 square foot designated outdoor dining area located within the existing commercial center courtyard. The “Project Site” is an approximate 29,812.5 square foot site. The Project Site is located at the west side of the 200 block of North Maclay Avenue,

between Second Street and Third Street. In addition, the Project Site is within the Downtown District – City Center Sub-District of the San Fernando Corridors Specific Plan (SP-4) Zone.

Parking for Papa Juan’s Restaurant and the other commercial and institutional tenants of the Project Site is provided by 14 off-street parking spaces at the rear of the property abutting the public alley and 46 off-street parking spaces located within an approximate 14,250-square-foot off-site parking lot directly across the alley (Los Angeles County Assessor’s Parcel No’s.: (2520-026-007 and 019). Additionally, 17 on-street parking spaces are available along North Maclay Avenue and Third Street. In total there are of 77 available parking spaces that are made available to Project Site visitors and patrons. A site plan of the Project Site showing the building footprints and layout of the parking facilities is provided as Attachment No. 6 to this staff report.

The City’s Planning and Preservation Commission’s approval of the requested CUP pursuant to Section 2.4(A) of the development standards for the Downtown District and City Code Sections 106-145 and 106-176, et al would allow the Project applicant to:

- Upgrade the existing beer and wine license (Type 41; On-Sale Beer and Wine – Eating Place) to a beer, wine, and distilled spirits (Type 47; On-Sale General – Eating Place), for consumption onsite and within the adjacent tenant space (229 N. Maclay Ave.);
- allow for the sale and consumption of alcohol within a designated outdoor dining area;
- provide outdoor live entertainment within designated stage area from 10:00am – 10:00pm; and
- Allow up to twelve (12) special events per calendar year with associated alcohol sales and consumption within the entire commercial center courtyard area (per ABC rules).

Pursuant to Section 2.4(A) of the development standards for the district, alcoholic beverages may be serviced through the review and approval of a conditional use permit for on-site consumption ancillary to the operation of a sit-down restaurant with table service that is a “bona fide public eating place.” A bona fide public eating place is defined as “a place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for ordinary meals, the kitchen of which must be kept in a sanitary condition with the proper amount of refrigeration for keeping of food on the premises and must comply with all the regulations of the local department of health.” (City Code Section 106-177.)

Based on the review of the requested CUP, it is City Planning Staff’s assessment that the existing restaurant would qualify for the Commission’s consideration of a CUP to allow for the ancillary sale and on-site consumption of alcoholic beverages, subject to the conditions of Project approval included Exhibit “A” in Planning and Preservation Commission Resolution No. 2017-002, which amongst other things, modify the hours of proposed live entertainment and

establish performance measures for the issuance of up to 12 special events per year. The Downtown District development standards (Section 2.4(A)), requires that the existing restaurant is a sit-down type eating establishment, with direct table service to patrons. Per City Code Section 106-179(c)(1), bona fide public eating places like the subject restaurant are exempted from distance separation requirements from any other on-sale or off-sale outlets. Additional discussion regarding the proposed CUP and the required finding for approval of the project is provided in the analysis section of this report.

#### **BACKGROUND:**

1. General Plan Land Use and Zoning Designation: The Project Site at 227-229 North Maclay Avenue is located within the Downtown District – City Center Sub-District of the San Fernando Corridors Specific Plan (SP-4) Zone and maintains a San Fernando Corridors Specific Plan (SP-4) land use designation in the General Plan Land Use Element.
2. Site Location and Description: The Project Site is an approximately 29,812.5 sq. ft. (Los Angeles County Assessor Parcel No(s): 2520-026-012, 013, 014, and 015) along the west side of the 200 block of North Maclay Avenue, between Second Street and Third Street. In addition, the project site is within the Downtown District – City Center Sub-District of the San Fernando Corridors Specific Plan (SP-4) Zone. The Project Site abuts similarly zoned property within the SP-4 zone to the north, south east, and Multiple Family Residential to the west. Parking for the restaurant and the commercial center is provided at the rear of the property abutting the public alley, within an approximate 14,250-square-foot off-site parking lot directly across the alley (Los Angeles County Assessor's Parcel No's.: 2520-026-007 and 019) and along the adjacent streets. Parking for the Project Site consists of 14 off-street parking spaces at the rear of the property abutting the public alley and 46 off-street parking spaces and 17 on-street parking spaces for a total of 77 parking spaces. Off-street parking for the subject site is accessible from the existing public alley behind the Project Site and form a two driveway approaches located off of Third Street.
3. Environmental Review: This Project has been reviewed by the City for compliance with the California Environmental Quality Act (CEQA). Based on the City's environmental assessment, it is the City Planning Staff's assessment that the Project qualifies for a Categorical Exemption under Class 32 (In-Fill Development Projects) of San Fernando's CEQA Guidelines in that the proposed conditional use permit is limited to allowing an existing bona fide eating establishment with existing ancillary sale of alcoholic beverages, including beer, wine, and distilled spirits, for consumption onsite (Type 47; On-Sale General – Eating Place), to allow the following: expansion of restaurant into adjacent tenant space (227-229 N. Maclay Ave.); allow for the sale and consumption of alcohol within a designated outdoor dining area; provide outdoor live entertainment within designated stage area from 10:00am – 10:00pm; and, allow up to twelve (12) special events per calendar year with associated

alcohol sales and consumption within the entire commercial center courtyard area (per ABC rules). Therefore, the proposed CUP and associated physical improvements to the Project Site will not have a significantly adverse impact on the environment.

The approximately 29,812.5 sq. ft. Project Site is less than five acres and is located within an urbanized area of the City along North Maclay Avenue, Third Street, and Hagar Street and has no value as a habitat for endangered, rare or threatened species. The proposed expanded occupancy of the existing restaurant and associated physical improvements to the Project Site and re-designed on-site parking facility will not have any significant adverse environmental impacts related to traffic, noise, air quality, or water quality. The Project Site will continue to have adequate ingress and egress for pedestrian and vehicular access from the Project Site onto North Maclay Avenue and Third Street, which are a major arterial and local collector roadways, respectively within the City.

The existing tenant space with the proposed expansions inclusive of the overall existing commercial center is less than 75,000 sq. ft. of non-residential use surrounded by similarly zoned and developed commercial sites and therefore will not have the potential to create adverse environmental impacts related to city code permitted noise levels, the existing air quality levels, and/or the quality of the City's water system and will not adversely impact existing utilities and public services already available to the Project Site.

4. Legal Notification: On January 26, 2017, a public hearing notice was published in the print and online versions of the legal advertisement section of the *Los Angeles Daily News*. In addition, on January 26, 2017, a public hearing notice was posted at the Project Site, at the two City Hall bulletins, and at the local branch of the Los Angeles County Library (217 N. Maclay Avenue). Notices of the public hearing for this CUP request were also mailed to all property owners of record within 500 feet of the Project Site.
5. Public Comments: As of the date of preparation of this staff report, no comments were received from the public regarding this conditional use permit request. Any comments received after the distribution of this report shall be read into the record at the public hearing.

#### **ANALYSIS:**

1. General Plan Consistency. The requested CUP to allow for the ancillary sale of alcoholic beverages, including beer, wine, and distilled spirits, for consumption on the premises (Type 47; On-Sale General – Eating Place), in conjunction with the continued occupancy and expansion of an existing restaurant located 227 & 229 North Macaly Avenue is consistent with the following goals and objectives of the San Fernando General Plan Land Use Element by:

- ✓ Attracting new commercial activities, particularly within the downtown area;
- ✓ Retaining the small town character of San Fernando
- ✓ Promoting economic viability of commercial areas;
- ✓ Maintaining an identity that is distinct from surrounding communities; and,  
*(San Fernando General Plan Land Use Element Goals I-IV, Pg. IV-6)*

The requested CUP amendment to allow for the expanded sales area for the sale and on-site consumption of alcohol in conjunction with the operation of an existing restaurant, Papa Juan's Restaurant, a bona fide public eating place, would allow for a customary service to be provided to patrons with meals, promoting the economic viability of the downtown commercial district and enhancing the dining experience. Permitting the ability for a restaurant in the city's downtown and civic center areas to expand its business through the sale and on-site consumption of alcoholic beverages served alongside meals helps foster growth and goes toward creating a lively environment for within the city's center, helping to create and maintain identity within the downtown that is distinct from surrounding communities.

The planned expansion of Papa Juan's restaurant achieves the City General Plan Land Use Element's goals by promoting economic viability of commercial areas and attracting new commercial activities into the City's San Fernando Corridors Specific Plan (SP-4) Zone. Additionally, the planned occupancy coupled with the site improvement will facilitate new investment within the downtown area resulting in the reuse of a long term vacant tenant space while still encouraging additional investment within the surrounding commercial corridor.

2. Zoning Consistency. Pursuant to Section 2.1(B) of the development standards for the Downtown District – City Center Sub-District of the San Fernando Corridors Specific Plan, the operation of a restaurant and other eating establishments is by-right use within the sub-district. Additionally, pursuant to Section 2.4(A) of the development standards for the Downtown District – City Center Sub-District of the San Fernando Corridors Specific Plan and pursuant to City Code Section 106-176 et seq, the requested CUP for the upgraded liquor license and expansion of the ancillary sale and on-site consumption of alcohol in conjunction with the operation of a bona fide eating establishment is a conditionally permitted subject to the review and approval of a conditional use permit by the Planning and Preservation Commission (the "Commission"). The development standards in the district note that alcoholic beverages may be allowed though the review and approval of a CUP for on-site consumption ancillary to the operation of a sit-down restaurant with table service that is a "bona fide public eating place."

Pursuant to City Code Section 106-177, a bona fide public eating place is defined as "a place which is regularly and in a bona fide manner used and kept open for the serving of meals to



guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for ordinary meals, the kitchen of which must be kept in a sanitary condition with the proper amount of refrigeration for keeping of food on the premises and must comply with all the regulations of the local department of health.”

As provided for in Section 1 of the development standards for the Downtown District, the purpose of the city’s downtown and civic center areas is to “create a lively center of the city where the community of San Fernando comes together. Downtown will provide a central shopping and entertainment district for the city, and will include retail shops and services, restaurants, civic and community meeting places and entertainment venues.” The requested CUP to allow the ancillary sale and on-site consumption of alcoholic beverages in conjunction with the operation of an existing bona fide public eating place onto the adjacent tenant space and outdoor dining area would allow for Papa Juan’s Restaurant to provide services customary of other similar eating establishments. Permitting the ability for a restaurant in the city’s downtown to expand its business through the sale and on-site consumption of alcoholic beverages served alongside meals helps foster growth and goes toward creating a lively environment for within the city’s center. Based on the foregoing, it is staff’s assessment that the request is consistent with all applicable development standards for the Downtown District.

3. Special Events. As part of the requested amendment to the existing conditional use permit, the Project “Applicant” is seeking to have a total of six (6) special events during the first twelve months of approval of the CUP with the ability to obtain a total of twelve (12) special events after said twelve months of the CUP approval. As previously noted, the Applicant is seeking to have consumption of alcohol within the entire commercial center courtyard area (per ABC rules).

It City Planning Staff’s assessment that special events be limited to the requested six (6) special events for the first twenty-four months. As noted in the Conditions of Approval (Exhibit “A” to Planning and Preservation Commission Resolution NO. 2017-002), all special events will be subject to the review and approval of the Community Development Director and the Chief of Police or their designees. If after the first twenty-four months, the City records show that no police calls for service and/or no alcohol related complaints (e.g., public intoxication, loitering, et cetera) have been received by the City during this period then the applicant may request City review and approval of an increase in special event permits from six (6) to twelve (12) from that point forward.

4. Live Entertainment. No live entertainment shall be allowed within the establishment, except for table-oriented performances by mobile musicians using only non-amplified instruments, and without any interior physical improvements to accommodate stage performances. Dancing by patrons shall not be permitted within the establishment or

project site unless said activity occurs as part of a Special Event Permit Application. The provisions for live music and entertainment will be limited to the outdoor designated stage area. (Proposed stage area is noted in Attachment No. 6.) The Project includes a request is to allow for live music and entertainment during the hours of 10:00 am - 10:00 pm on a daily basis. Currently, Papa Juan's Restaurant operates during the hours that Los Angeles County Library is open (i.e., Monday through Wednesday, 11:00 am to 7:00 pm, Thursday 11:00 am to 6:00 pm and Friday through Saturday, 11:00 am to 5:00 pm) and hours when neighboring commercial tenants are open. These additional commercial tenants include: a coffee shop, two fast food specialty food retailers, and a barber shop; these tenants are typically open between the hours of 7:00 am and 11:00 pm and share access to the larger courtyard area where Papa Juan's Restaurant is located.

It City Planning Staff's assessment that hours when live music and entertainment are allowed be limited as suggested in the Conditions of Approval (Exhibit "A" to Planning and Preservation Commission Resolution No. 2017-002). Therefore, unless otherwise approved by the City as part of a Special Event Permit Application, live music and entertainment shall be limited to the hours of 10:00 am – 10:00 pm on a daily basis and cannot occur during the County Library business hours, and shall comply with the City's noise ordinance. Recorded music may be played in the establishment through a stereo system or similar equipment at all times during normal business hours subject to ongoing compliance with the City's Noise Ordinance (City Code Chapter 34).

5. Distance Separation Requirements. As previously noted, City Code Section 106-179(c)(1) grants bona fide public eating places like the subject restaurant an exemption from distance separation requirements that would otherwise apply to businesses seeking a CUP for either the on-site sale or off-sale of alcoholic beverages.
6. Type 47 Alcohol License Provisions. The State's Alcoholic Beverage Control Act, codified as Division 9 of the Business and Professions Code, establishes the provisions for the issuance of licenses for alcoholic beverages, including beer, wine, and distilled spirits. The issuance of an on-sale general – eating place in the State is administered by the California Department of Alcoholic Beverage Control (ABC).

In California, retailers for the sale of beer, wine and distilled spirits are required to apply for a Type 47 alcohol license (On-Sale General Eating Place). A Type 47 license allows the sale of beer, wine and distilled spirits for consumption on the premises where sold ancillary to a bona fide public eating place.

7. State Provisions for Issuance of Alcohol Licenses. Pursuant to Business and Professions Code Section 23958, State law requires ABC to deny an alcohol license application if the Project Site is located within a United States Census Tract that has an "undue

concentration” of licenses, unless certain exceptions apply. Undue concentration exists when:

- a) The site is located in a crime reporting district that has a 20% greater number of reported crimes than the average number of reported crimes as compiled by the local Police Department during the most recent year;
- b) As to “on-sale” retail license applications (for on-site consumption of alcoholic beverages): when the ratio of on-sale retail licenses to population in the census tract in which the proposed site is located exceeds the ratio of on-sale retail licenses to population in Los Angeles County; or
- c) As to “off-sale” retail license applications (for off-site consumption of alcoholic beverages): when the ratio of off-sale retail licenses to population in the census tract in which the proposed site is located exceeds the ratio of off-sale retail licenses to population in Los Angeles County. (Business and Professions Code Section 23958.4(a)(1)-(3)).

Notwithstanding the existence of an undue concentration of alcohol licenses, ABC may issue an alcohol license in the following instances:

- a) For a retail on-sale bona fide public eating place license (or a retail license issued for a hotel, motel, or other lodging establishment, or a nonretail license): if the applicant shows that public convenience or necessity would be served by the issuance of the license.
- b) For any other license: if the City Council or its designated subordinate officer or body determines that public convenience or necessity would be served by the issuance of the license. (Business and Professions Code Section 23958.4(b)(1)-(2)).

In evaluating whether undue concentration exists within the reporting area of the Project Site, City Planning Staff has reviewed crime statistics received from the San Fernando Police Department (the “Police Department”), as well as evaluated the concentration of alcohol licenses in relation to County and local population available from the United States Census Bureau.

Data from the Police Department groups the information available for United States Census Tract 3202.01 and 3202.02 (the tract in which the Project Site is located) as one complete reporting area, referred to as Police Department “Track 2”. Track 2 encompasses an area bounded by the railroad tracks to the south, Hubbard Avenue to the west, The Pacoima Wash to the east, and Glenoaks Boulevard to the north. Based on the reporting data available from the Police Department, from December 1, 2015, 31.7 percent of all incidents

reported were generated from Track 2. Tracks 1 and 3 are comprised of an area of approximately 0.73 square miles and 0.65 square miles, respectively. Additionally, the Project Site is not within a reporting district that has a 20 percent greater number of reported crimes than the average number of reported crimes for the three crime reporting tracts, with the percentage of crime being relatively proportional throughout the City.

It is anticipated that approval of the requested CUP amendment at the Project Site with the ancillary sale of alcoholic beverages for on-site consumption, would not have the effect of increasing incident reporting percentages for this reporting track.

Notwithstanding the aforementioned data, Papa Juan' Restaurant is located within Census Tract No. 3202.01 and has a published total population of 3,756 residents as of the 2010 United States Census. There are a total of six (6) on-sale and off-sale licenses within the census tract, inclusive of Papa Juan's existing Type 41 License.

A review of the City and ABC records indicates that there are five (5) existing on-sale alcohol outlets (one (1) on-sale alcohol outlet for every 751 residents) within Census Tract No. 3202.01 inclusive of the existing Type 41 License held by the Applicant. The change from a Type 41 to a Type 47 will not result in a net increase in licenses within the census tract. The population in Los Angeles County is 9,818,605, with ABC records showing that a total of 9,903 on-sale alcohol licenses are active countywide. The ratio of on-sale licenses to population in Los Angeles County is one (1) license for every 991 residents. The ratio of on-sale licenses within Census Tract No. 3202.01 is higher than the ratio for Los Angeles County.

It is City Planning Staff's assessment that an undue concentration exists within Census Tract 3202.01 and that the requested alcohol CUP would create an instance of undue concentration within the census tract. Therefore, it is City Planning Staff's determination that findings of public convenience and necessity, pursuant to City Code Section 106-180, are required in this case.

Even though an undue concentration exists, it is staff's assessment that the requested conditional use permit to allow for the continued sale and on-site consumption of alcoholic beverages as an ancillary use to the existing restaurant will serve a public convenience and necessity by providing for expanded restaurant services that maintain the downtown and civic center areas, and in particular the City Center Sub-District, as an economically viable destination for dining, shopping and entertainment. Approval of the conditional use permit will also reduce the potential for blight impacts associated with restaurant failures and subsequent vacancies and related public nuisances. A detailed discussion on the findings necessary to justify a public convenience and necessity are included in Section 10 of this report.

8. Conditional Use Permit Findings. As the name implies, a Conditional Use Permit (CUP) allows the City of San Fernando the ability to consider specified uses that might not otherwise be allowed as a principally permitted use, provided the landowner or applicant meets certain conditions of approval. The basic goal of the CUP is to allow the full range of land uses required for the community to function, while still giving the community some control over individual situations that could result in land use conflicts and/or negative environmental impacts. CUPs are important to land use planning because it allows the Planning and Preservation Commission (the “Commission”) to review the potential impacts associated with the discretionary review of the proposed development.

A CUP is subject to discretionary review by the Commission. Discretionary review is a process that permits the Commission to review individual cases for proposed uses of the land and approve a project subject to specific conditions or deny the CUP request. Conditions of project approval imposed on the applicant through the discretionary review process may call for any measures that are reasonably related to preventing potential adverse land use and/or environmental impacts that might be associated with the project.

The approval or denial of a CUP is based on the Commission’s ability to be reasonably satisfied with the project and that it possesses certain characteristics that are identified in the form of 10 findings of fact, as required per City Code Section 106-145. All findings must be justified and upheld in the affirmative for approval of the CUP; a negative determination on any single finding is grounds for a denial of the CUP.

It is City Planning Staff’s assessment that the findings for approval of the CUP amendment can be made in this instance based on the aforementioned discussion, and as explained below for each of the required findings of fact.

- a) The proposed use is one conditionally permitted within the subject zone and complies with all applicable sections of the zoning ordinance.**

Pursuant to Section 2.1(B) of the development standards for the Downtown District – City Center Sub-District of the San Fernando Corridors Specific Plan, the operation of a restaurant and other eating establishments is by-right use within the sub-district. Additionally, pursuant to Section 2.4(A) of the development standards for the Downtown District – City Center Sub-District of the San Fernando Corridors Specific Plan and pursuant to City Code Section 106-176 et seq, the expanded sales area for the ancillary sale and on-site consumption of alcohol in conjunction with the operation of a bona fide eating establishment is a conditionally permitted use within the sub-district.

Papa Juan’s, the existing restaurant, is a bona fide public eating place that provides direct table service to patrons of establishment. The approval of the requested CUP amendment would allow for the restaurant to offer alcoholic beverages with meals, as

is customary with other similar types of bona fide public eating place within the existing floor area as well as the expanded floor plan that includes the adjacent tenant space and designated outdoor dining area. Additionally, the Project site would not trigger any specific distance separation requirements from any other on-sale or off-sale alcohol outlets as currently operated and/or as proposed through the expanded operation, because it continues to be exempted use as a bona fide eating place, pursuant to City Code 106-179(c)(1). Therefore, it is staff's assessment that the proposed CUP for the ancillary sale and consumption of alcoholic beverages use is conditionally permitted within the subject zone district and sub-district, which complies with all applicable sections of the City's Zoning Ordinance including the applicable development standards of the San Fernando Corridors Specific Plan. Thus, it is staff's assessment that this finding can be made.

**b) The proposed use would not impair the integrity and character of the zone in which it is to be located.**

Papa Juan's Restaurant, located at 227 N. Maclay Avenue, is an existing approximate 1,427 square foot restaurant. The Project will facilitate expansion into the adjacent two-story approximately 1,209 square foot tenant space (229 N. Maclay Ave.) and will utilize an approximate 626 square foot designated outdoor dining area located within the existing commercial center, Library Plaza courtyard, a mixed-use multi-tenant commercial center within the city's downtown district. As provided for in Section 1 of the development standards for the Downtown District of the SP-4 (Corridors Specific Plan) Zone, the purpose of the city's downtown is to "create a lively center of the city where the community of San Fernando comes together. Downtown will provide a central shopping and entertainment district for the city, and will include retail shops and services, restaurants, civic and community meeting places and entertainment venues."

The requested CUP to allow the ancillary sale and on-site consumption of alcoholic beverages in conjunction with the operation of an existing bona fide public eating place would allow for Papa Juan's Restaurant to expand its sales area to provide services customary of other similar eating establishments. Permitting the ability for an existing restaurant in the city's downtown and civic center areas to expand its business through the sale and on-site consumption of alcoholic beverages to be served alongside meals within the increased sales area resulting from the expansion of their floor area to include the neighboring tenant space and outdoor dining area, helps foster growth and goes toward creating a lively environment for within the city's center.

Furthermore, to ensure the protection and preservation of surrounding neighborhood, while fostering and promoting growth in the city's downtown, the city's standard conditions of approval for establishments requesting alcohol permits would be adopted

to prevent issues associated with loitering, noise, off-site consumption of alcohol, trash and debris, and other public nuisance conditions, pursuant to City Code Section 106-182 (b) and (c). Noncompliance with the adopted conditions of approval would require the city to seek corrective action from the business owner and may lead to revocation of the required CUP. Therefore, the proposed sale and on-site consumption of alcohol to complement the existing restaurant food sales would not impair the integrity and character of the city's downtown or the intent and purpose of the SP-4 Zone for this zoning district. Thus, it is staff's assessment that this finding can be made.

**c) The subject site is physically suitable for the type of land use being proposed.**

Library Plaza, the multi-tenant commercial center where Papa Juan's Restaurant is located, is an approximate 29,812.5 square foot commercial center located within the Downtown District – City Center Sub-District of the San Fernando Corridors Specific Plan (SP-4) Zone. Parking for the restaurant and the multi-tenant commercial center, which includes the Los Angeles County Library is provided at the rear of the property abutting the public alley, within an approximate 14,250-square-foot off-site parking lot directly across the alley (Los Angeles County Assessor's Parcel No's.: 2520-026-007 and 019) and along the adjacent streets. Parking for the Project Site consists of 14 off-street parking spaces at the rear of the property abutting the public alley and 46 off-street parking spaces and 17 on-street parking spaces for a total of 77 parking spaces. The Project Site is currently developed with similar commercial uses, including two additional smaller eating establishments, a coffee shop and the Los Angeles County Public Library. The range of uses established at the Project Site and permitted by the development standards of the Downtown District encourages the establishment of a diversity of uses that promote an environment for entertainment and a "lively center of the city."

The Project Site and the existing 1,427 square foot restaurant inclusive of the expansion into the adjacent two-story approximate 1,209 square foot tenant space (229 N. Maclay Ave.), utilization of an approximate 626 square foot designated outdoor dining area located within the existing commercial center courtyard and a designated outdoor live entertainment area are physically suitable for the requested CUP for sale and on-site consumption of alcoholic beverage that would be served along with meals to patrons. The sale and consumption of alcoholic beverages would be completely self-contained within the restaurant and designated outdoor dining area and will only allow the consumption of alcohol within the entire center's courtyard through the City's prior review and approval of a Special Event Permit. Thus, it is staff's assessment that this finding can be made.

**d) The proposed use is compatible with land uses presently on the subject property.**

Library Plaza is an existing approximate 29,812.5 square foot multi-tenant commercial center with established uses consisting of small eating establishments, a coffee shop, a barber shop and the Los Angeles County Public Library. The proposed CUP amendment to allow for the ancillary sale and on-site consumption of alcohol within the expanded lease area in operation of a bona fide public eating place would be compatible with those services offered to patron of similar restaurants within the city. Additionally, the mix of public and civic facilities that are within the commercial center create an inviting environment for patrons that promote entertainment and a lively center of the city, as is sought for all properties within the city's downtown and civic center areas. Thus, it is staff's assessment that this finding can be made.

**e) The proposed use would be compatible with the existing and future land uses within the zone and the general area in which the proposed use is to be located.**

The City's San Fernando Corridors Specific Plan (SP-4) Zone and associated districts and sub-districts, is developed with a variety of commercial uses that help serve the needs of residents of the city and neighboring communities. The city adopted policies and strategies to help transform the city's main corridors (San Fernando Road, Truman Street, and Maclay Avenue) into attractive, livable, and economically vital districts. Within the Downtown District of the corridors specific plan, the establishment of retail stores, business and personal service shops, restaurants and other similar eating establishments, and civic and cultural facilities, including libraries, museums, and art galleries is principally permitted and envisioned as the types of uses to be established in the future for all applicable properties. As provided above, these uses are permitted pursuant to Sections 2.1 and 2.2 of the development standards for San Fernando Corridors Specific Plan (SP-4) Zone. As such, the proposed expansion of the existing restaurant would be compatible with existing commercial land uses within the vicinity of the Project Site. Furthermore, the City's General Plan Land Use Element designates the Project Site within the City's San Fernando Corridors Specific Plan (SP-4) land use area, as a location where future uses that are envisioned for the area include the operation of similar commercial activities to those proposed under Papa Juan's Restaurant expansion.

The request to amend an existing CUP to allow the sale and on-site consumption of alcoholic beverages within the expanded lease area, which includes the adjacent tenant space and designated outdoor dining area with limited ancillary live outdoor entertainment would further augment the services the existing restaurant offers while providing the opportunity to remain competitive with other similar dining establishments that offer alcoholic beverages along with meals. Within the Downtown District, the types of permitted uses like Papa Juan's Restaurant are those that typically generate a significant amount of foot traffic. Library Plaza, the commercial center where the existing restaurant is located, has established restaurant and similar eating



establishment uses that directly benefit from increased foot traffic from visitors to the Los Angeles County Library and potential patrons to the eateries that come from the nearby Los Angeles County Courthouse facilities. The expanded restaurant services coupled with the other institutional and commercial uses at Library Plaza help create a synergy of activity that meets the purpose of the district by helping to creating “a lively center of the city where the community of San Fernando comes together” (Section 1 of the development standards for the Downtown District, Page 70). Therefore, the requested CUP to allow the sale and on-site consumption of alcoholic beverages within the expanded lease area, consisting of the adjacent tenant space and the designated outdoor dining area inclusive of an outdoor life entertainment component as an ancillary to the operation of a bona fide public eating place would be compatible with the existing and future land uses envisioned within the Downtown District (City Center Sub-District) of the SP-4 (Corridors Specific Plan) zone and the general area in which the proposed use is to be located. Thus, it is staff’s assessment that this finding can be made in this case.

- f) There would be adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.**

The existing restaurant and larger commercial center within which it is located is adequately served by existing water, sanitation and public utilities that were previously developed through the construction of Library Plaza in 1998. Any required future improvements to infrastructure and public utilities with the change of occupancy would be required to be developed in compliance with the requirements of the city’s building and health and safety codes, including any requirements for off-site improvements and utility connections from the City’s Public Works Department. Thus, it is staff’s assessment that this finding can be made.

- g) There would be adequate provisions for public access to serve the subject proposal.**

Papa Juan’s, the existing sit-down restaurant, has adequate provisions for public access through the courtyard within Library Plaza that serves all tenants of the commercial center. Patrons seeking to dine at the restaurant and compliment their meals with an alcoholic beverage have the ability to enter the commercial center from the primary entrance along North Maclay Avenue or the secondary entrance along the rear of the property facing the public alley and on-site and off-site parking facilities. Parking for the Project Site is provided by 14 off-street parking spaces at the rear of the property abutting the public alley and 46 off-street parking spaces and 17 on-street parking spaces for a total of 77 parking spaces. Adequate vehicular access to the parking facilities is provided along driveways located along Third Street, the adjacent public

alley and North Maclay Avenue. Thus, it is staff's assessment that this finding can be made in this case.

- h) The proposed use would be appropriate in light of an established need for the use at the proposed location.**

Within the Downtown District - City Center Sub-District of the San Fernando Corridors Specific Plan (SP-4) zone, restaurants and similar eating establishments are permitted, with the ancillary sale and on-site consumption of alcohol beverages permitted through the city's review and approval of a conditional use permit. The request to amend an existing CUP to allow the sale and on-site consumption of alcoholic beverages within the expanded lease area, consisting of the adjacent tenant space and the designated outdoor dining area in conjunction with the operation of a bona fide public eating place with a proposed a limited ancillary outdoor live entertainment component is an appropriate and compatible use for the types of currently established and potentially permitted uses that the Downtown District allows. Approval of the CUP for the expanded sales area for the on-site sale and consumption of alcoholic beverages as an ancillary use to a bona fide public establishment (Papa Juan's Restaurant) helps to encourage future development of the city's downtown area. CUP approval at the Project Site facilitates the expansion of locally serving service commercial uses provided by restaurants in the downtown and civic center areas, which in turn helps to draw new visitors to the area and create a lively commercial district of the city and further revitalize the city's downtown core.

The requested CUP would allow for Papa Juan's Restaurant to augment its offerings by providing increased occupancy for interested patrons to dine indoors and within the designated outdoor dining area with the ability to order an expended menu of alcoholic beverages with their meal. The sale and on-site consumption of alcoholic beverages is a customary service offered by similar bona fide public eating places both within and outside the city. Fostering the growth of these types of establishments through the approval of a CUP for the additional service promotes investment in the city's downtown area and has the potential to promote future redevelopment of other properties with uses that meet the purpose and intent of the San Fernando Corridors Specific Plan and the Downtown District. Therefore, the requested CUP would be appropriate in light of an established need for the type of restaurant with ancillary alcohol beverage uses being proposed at the Project Site. Thus, it is staff's assessment that this finding can be made in this case.

- i) The proposed use is consistent with the objectives, policies, general land uses and programs of the City's general plan.**

The request to amend an existing CUP to allow the sale and on-site consumption of alcoholic beverages within the expanded lease area, consisting of the adjacent tenant space, designated outdoor dining area with limited ancillary live outdoor entertainment, in conjunction with the operation of Papa Juan's Restaurant, a bona fide public eating place, and conditionally allowing for between six (6) and twelve (12) special events per calendar year with associated alcohol sales and consumption within the entire commercial center courtyard area (per ABC rules) would facilitate an increased diversity of alcoholic beverages to be available to patrons with their meals in a manner that enhances their dining experience while promoting the economic viability of the Downtown District. Permitting the ability for a restaurant in the city's downtown to expand its business through the continued sale of alcoholic beverages helps foster growth and goes toward creating a lively environment within the city's downtown and civic center areas while helping to maintain an identity within the area that is distinct from surrounding communities.

Furthermore, approval of the requested CUP would help support existing dining and entertainment uses that reduce potential commercial vacancies and "attract new commercial activities, particularly within the downtown area." (San Fernando General Plan Land Use Element Goals and Objectives, Pg. IV-6.). Thus, it is staff's assessment that this finding can be made in this case.

**j) The proposed use would not be detrimental to the public interest, health, safety, convenience or welfare.**

The request CUP to allow the sale and on-site consumption of alcoholic beverages within the expanded lease area, consisting of the adjacent tenant space, designated outdoor dining area with limited ancillary live outdoor entertainment in conjunction with the operation of the existing bona fide public eating place while limiting live music and entertainment to between six (6) and twelve (12) special events per calendar year subject to city discretionary review, would allow for the ongoing viability of an existing restaurant within the city's downtown and civic center area. With the adoption of the recommended conditions of approval for the requested alcohol CUP, Papa Juan's Restaurant would be required to provide sufficient safeguards to deter any potential public nuisance issues and protect public interest, health, safety, convenience or welfare. Noncompliance with the conditions of approval for an approved CUP for alcohol sales would require corrective action on behalf of the business owner and may result in revocation of the granted CUP. Thus, it is staff's assessment that this finding can be made in this case.

9. Supplemental Findings for On-sale CUPs. In addition to those findings set forth in City Code Section 106-145, as discussed in Section 5 of this report, applications for conditional use

permits involving any use that involves the sale, serving, and/or consumption of alcoholic beverages shall require the Planning and Preservation Commission to make the following findings:

**a) That the existing or proposed use does not or will not encourage or intensify crime within the reporting district that it is located;**

In review of reporting from the San Fernando Police Department (the “Police Department”) group the information available for United States Census Tracts 3202.01 and 3202.02 as one complete reporting area, referred to as Police Department “Track 2”. Track 2 encompasses an area bounded by the railroad tracks to the south, Hubbard Avenue to the west, the Pacoima Wash to the east, and Glenoaks Boulevard to the north. Based on the reporting data available from the Police Department, from December 1, 2015 to December 28, 2016; 31.7 percent of all incidents reported were generated from Track 2.

This rate is proportional with the rest of the City, as this reporting track covers approximately 0.96 square miles area of land. In comparison, Tracks 1 and 3 are comprised of an area of approximately 0.73 square miles and 0.65 square miles, respectively. Additionally, the Project Site is not within a reporting district that has a 20 percent greater number of reported crimes than the average number of reported crimes for the three crime reporting tracts, with the percentage of crime being relatively proportional throughout the City.

In addition, reporting data from the City Police Department for the Project Site from December 1, 2013 to the December 28, 2016 time indicates no calls for service. Subject to the CUP Applicant’s compliance with required conditions of project approval, it is anticipated that approval of the requested CUP amendment at the Project Site would not have the effect of increasing the incident reporting percentages for this reporting track. Furthermore, approval of the requested CUP with the recommended conditions of approval, would allow for the abatement of any public nuisances associated with sale of alcohol at the Project Site, with potential CUP revocation by the City if public nuisances are not corrected in a timely manner. Thus, it is staff’s assessment that this finding can be made.

**b) That the existing or proposed use does not or will not adversely impact any residential use, church, hospital, educational institution, day care facility, park, or library within the surrounding area.**

As proposed, Papa Juan’s, a bona fide public eating place, would augment the services they provide as an ancillary use to the existing restaurant. Alcoholic beverages would be offered for sale to patrons of the establishment to accompany the purchase of a

meal. All business activity would be completely self-contained within the restaurant and designated outdoor dining area and will only allow the consumption of alcohol within the entire center's courtyard within Library Plaza subject to the city's prior review and approval of a Special Event Permit. Failure to address public nuisances issues associated with sale, purchase, and/or consumption of alcoholic beverages would result in city abatement action, including but not limited to, possible revocation of the CUP for repeated noncompliance. While the restaurant is located within a multi-tenant commercial center that also houses the Los Angeles County Public Library, the existing restaurant or the sale and on-site consumption of alcoholic beverages is not expected to have an impact on the existing library use because the outdoor dining area would be properly delineated and secured in compliance with applicable ABC rules.

Therefore, it is staff's assessment that the conditions of approval provide sufficient safeguards for the ongoing and expanded operation of a bona fide eating place and will therefore not adversely impact any residential use, church, hospital, educational institution, day care facility, park, or library within the surrounding area. Thus, it is staff's assessment that this finding can be made.

**c) That the distance separation requirements in section 106-179 are met.**

Pursuant to City Code Section 106-179(c)(1), bona fide eating places like Papa Juan's Restaurant are exempt from distance separation requirements that would otherwise apply to businesses seeking a CUP for either the on-site sale or off-sale of alcoholic beverages. Thus, it is staff's assessment that this finding can be made in this case.

**d) If required by City Code Section 106-180, that the existing or proposed use will serve a public convenience or necessity, as defined in section 106-180.**

Based on the reporting data available from the Police Department, from December 1, 2015 through December 28, 2016; 31.7 percent of all incidents reported were generated from Track 2. This rate is proportional with the rest of the city, as this reporting track covers approximately 0.96 square miles area of land. In comparison, Tracks 1 and 3 are comprised of an area of approximately 0.73 square miles and 0.65 square miles, respectively. Additionally, the Project Site is not within a reporting district that has a 20 percent greater number of reported crimes than the average number of reported crimes for the three crime reporting tracts, with the percentage of crime being relatively proportional throughout the city.

Notwithstanding the aforementioned data, Papa Juan' Restaurant is located within Census Tract No. 3202.01 and has a published total population of 3,756 residents as of the 2010 United States Census. There are a total of six (6) on-sale and off-sale licenses within the census tract, inclusive of Papa Juan's Type 41 License.

A review of the city and ABC records indicates that there are five (5) existing on-sale alcohol outlets (one (1) on-sale alcohol outlet for every 751 residents) within Census Tract No. 3202.01 inclusive of the existing Type 41 License held by the Applicant. The change from a Type 41 to a Type 47 will not result in a net increase in licenses within the census tract. The population in Los Angeles County is 9,818,605, with ABC records showing that a total of 9,903 on-sale alcohol licenses are active countywide. The ratio of on-sale licenses to population in Los Angeles County is one (1) license for every 991 residents. The ratio of on-sale licenses within Census Tract No. 3202.01 is higher than the ratio for Los Angeles County.

It is staff's assessment that the requested conditional use permit to allow for the continued sale and on-site consumption of alcoholic beverages as an ancillary use to the existing restaurant will serve a public convenience and necessity by providing for expanded restaurant services that maintain the downtown and civic center areas, and in particular the City Center Sub-District, as an economically viable destination for dining, shopping and entertainment. Approval of the conditional use permit will also reduce the potential for blight impacts associated with restaurant failures and subsequent vacancies and related public nuisances. It is City Planning Staff's assessment that an undue concentration exists within Census Tract 3202.01 and that the requested alcohol CUP would create an instance of undue concentration within the census tract. Therefore, it is City Planning Staff's determination that findings of public convenience and necessity, pursuant to City Code Section 106-180, are required in this case.

10. **Factors for Determining Public Convenience or Necessity.** Whenever a request for a determination of public convenience or necessity in connection with the issuance of a license for the sale of alcoholic beverages by the ABC is submitted to the city as allowed under Business and Professions Code Section 23958.4, as the same may be amended from time to time, the Planning and Preservation Commission, in making that determination, shall consider the following:

- a) **Whether the sale of alcoholic beverages as part of the proposed use would serve a niche market in the city that would not otherwise be filled by other existing businesses with alcoholic beverage licenses in the surrounding area;**

The adoption of the San Fernando Corridors Specific Plan in 2005 (the "Specific Plan") allowed the city to enact policies to revitalize and encourage investment within the city's primary corridors, including the city's downtown and civic center areas along North Maclay Avenue. Within the Downtown District, and in particular the City Center Sub-District, the Specific Plan calls for the "creation of a lively center of the city where the community of San Fernando comes together." (Section 1 of the development

standards for the Downtown District). The City Center Sub-District is intended as a focal point of activity in the community, with the concentration of the city's retail and civic activity into one walkable area.

In reviewing permit data from the California Department of Alcoholic Beverage Control for Census Tract 3202.01, the tract that Papa Juan's Restaurant is located in, a total of five on-sale active alcohol licenses exist. Based on these findings, it is staff's assessment that sale of alcoholic beverages as part of the existing restaurant would serve a niche market in the city, and the City Center Sub-District in particular, that is not currently filled by other existing businesses with similar alcoholic beverage licenses in the surrounding area and corresponding census tract. Thus, it is staff's assessment that this finding can be made in this case.

**b) The extent to which the proposed use enhances the convenience of purchasing alcoholic beverages in conjunction with other specialty food sales or services;**

Papa Juan's Restaurant, the existing bona fide public eating place at the Project Site would allow for the continued economic viability of the site consistent with similar commercial uses allowed within the Downtown District and the City Center Sub-District. Providing for the expansion of the sale and on-site consumption of alcoholic beverages as a continued ancillary use to the existing restaurant enhances the dining experience for patrons and convenience of purchasing alcoholic beverages in conjunction with other specialty foods. Therefore, approval of an on-sale permit alcohol to sale and serve alcoholic beverages to patrons of the restaurant along with meals would help deter the spread of economic and physical blight throughout the Project area that may be partly attributed to vacancies and deferred maintenance of vacant commercial buildings. Thus, it is staff's assessment that this finding can be made in this case.

**c) The extent to which the proposed use in conjunction with the redevelopment of an existing or proposed building or structure will enhance the architectural character at the location of the proposed use and the surrounding area;**

Papa Juan's Restaurant, the existing restaurant business at the Project Site would allow for the continued economic viability of the commercial center, consistent with similar commercial uses within the city's downtown and civic center areas. The Library Plaza Project Site, as developed in 1998, continues to retain its high quality appearance and is a prime example of the type of commercial, mixed-use development sought within the city's downtown and civic center areas. The issuance of the requested permit to allow for the expanded sale and on-site consumption of alcoholic beverages associated with the existing bona fide public eating place would promote the continued success of an important business type that is critical in helping redefine the city's downtown and

civic center area into a more livable, walkable, and entertaining place for visitors and residents of the city. Thus, it is staff's assessment that this finding can be made in this case.

- d) The manner in which the proposed use is to be conducted (special or unique features), including the extent to which the proposed use will include training of employees through ABC or an authorized third party to assure well-trained staff knowledgeable in the serving of alcoholic beverages safely, responsibly, and legally as well as in order to prevent illicit drug activity at the location of the proposed use.**

Pursuant to City Code Section 106-182(b)(4), "all employees who serve or sell alcoholic beverages shall successfully complete a responsible beverage service training program that meets the requirements of ABC. Records of such training shall be maintained on the premises and made available to the police department personnel upon request." As a condition of approval for all bona fide public eating places seeking a permit to allow for the sale and on-site consumption of alcoholic beverages, this language is incorporated into the conditions of approval for an approved conditional use permit. The owners and employees of Papa Juan's Restaurant shall be responsible for complying with these conditions of approval and all required conditions from ABC. Thus, it is staff's assessment that this finding can be made in this case.

- e) The extent to which the proposed use compliments uses in the surrounding area.**

Papa Juan's, the existing restaurant, has been in operation since the beginning of 2015. Prior to this restaurant, "Library Bistro," a similar bona fide public eating place operated at the project site at 227 North Maclay Avenue. Papa Juan's Restaurant complements other existing eating establishment within the commercial center it is located in, along with retail, personal service and governmental uses. In addition, the applicable development standards of Downtown District allow for the operation of bona fide public eating places and the consideration for sales and on-site consumption of alcoholic beverages for said eating establishments through a conditional use permit. The requested conditional use permit for the on-site sale and consumption of alcohol in combination with the operation of a bona fide eating place, will complement existing uses in the district and promote the economic viability of the downtown and civic center areas as an eating and entertainment destination center for residents and visitors to the community. Thus, it is staff's assessment that this finding can be made in this case.

- f) The extent to which the proposed use, location, and/or operator has a history or law enforcement problems;**



In order to evaluate and substantiate this finding, data from the City of San Fernando Police Department was requested for the Crime Report Area that the Project Site is located in U.S. Census Tract 3202.01. Papa Juan's Restaurant is currently located at 227 N. Maclay Avenue and will be expanding to 229 N. Maclay Avenue within the City's SP-4 Zone and is located within the City Police Department's crime reporting "Track 2". Track 2 encompasses an area bounded by the railroad tracks to the south, Hubbard Avenue to the west, the Pacoima Wash to the east, and Glenoaks Boulevard to the north.

In review of the City Police Department's data from December 3, 2013 to December 28, 2016 reporting data indicates no calls for service. Therefore, the requested CUP by the Applicant to allow for the sale of alcoholic beverages, including beer, wine, and distilled spirits, for consumption on the premises (Type 47, off-sale general alcohol license), in conjunction with the planned occupancy and expansion of a bona fide eating place at the Project Site is not expected to increase the demand for law enforcement calls for service to the Project Site. Furthermore, any noncompliance with the conditions of approval for the requested CUP would require enforcement action by the city to abate any public nuisance, with repeated noncompliance leading to potential revocation of the CUP. It is staff's assessment that no significant criminal activity has occurred at the Project Site to date and sufficient safeguards would be in place as part of the requested CUP to abate any potential public nuisance issues in the future. Thus, it is staff's assessment that this finding can be made.

**g) The crime rate in the reporting district as compared to neighboring districts in the city and/or adjacent cities;**

The data from the City's Police Department identifies United States Census Tract 3202.01 and 3202.02 as one complete reporting area, referred to as San Fernando Police Department's crime reporting Track 2, which encompasses an area bounded by the railroad tracks to the south, Hubbard Avenue to the west, the Pacoima Wash to the east, and Glenoaks Boulevard to the north. Based on the City's Police Department reporting data, from December 1, 2015 through December 28, 2016, 31.7 percent of all incidents reported were generated from Track 2.

This rate is proportional with the other two crime report areas (i.e., Track 1 and Track 3) that make up the city. It is anticipated that approval of the requested CUP to allow for the sale of alcoholic beverages, including beer, wine, and distilled spirits, for consumption on the premises (on-sale general – eating place), in conjunction with the operation of a bona fide eating establishment, would not have the effect of increasing incident reporting percentages for this reporting track. Furthermore, approval of the CUP 2017-001 with the recommended conditions of approval, would allow for city

abatement of public nuisances associated with alcohol sale, purchase and/or consumption. Thus, it is staff's assessment that this finding can be made.

**h) The number of alcohol-related police calls for service, crimes or arrests in the reporting district and adjacent districts within the city.**

Based on reporting data provided by the City of San Fernando Police Department regarding alcoholic related service calls, no calls for service to the Project Site during the December 1, 2013 to December 28, 2016 reporting period were for alcohol related incidents. It is not anticipated that the requested CUP 2017-001 to allow for the sale of alcoholic beverages, including beer, wine, and distilled spirits, for consumption on the premises ("on-sale general-eating place"), in conjunction with the continued operation and expansion of an existing bona fide eating place at 227-229 North Maclay Avenue would increase the number alcohol-related service calls, with the implementation of the recommended conditions of approval for the Project.

The primary use would remain that of a bona fide eating establishment with the expanded menu of ancillary alcoholic beverage sales, including beer, wine, and distilled spirits, for consumption on the premises (on-sale general – eating place), per CUP 2017-001. Alcoholic beverages, including beer, wine, and distilled spirits would be available for purchase for on-site consumption to be accompanied with a meal. Furthermore, approval of the CUP 2017-001 with the recommended conditions of approval, would allow for the city abatement of public nuisances associated with alcohol sale, purchase and/or consumption. Thus, it is staff's assessment that this finding can be made.

**CONCLUSION:**

In light of the forgoing analysis, it is staff's assessment that Commission approval of the CUP 2017-002 is warranted. Commission approval of CUP 2017-002 is recommended by City Planning Staff in order to allow for the following activities:

- Upgrade the existing beer and wine license (Type 41; On-Sale Beer and Wine – Eating Place) to a beer, wine, and distilled spirits (Type 47; On-Sale General – Eating Place), for consumption onsite and within the adjacent tenant space (227-229 N. Maclay Ave.);
- Allow for the sale and consumption of alcohol within a designated outdoor dining area;
- Provide outdoor live entertainment within designated stage area with modified hours as recommended by City Planning staff; and
- Allow up to twelve (12) special events per calendar year with associated alcohol sales and consumption within the entire commercial center courtyard area (per ABC rules) located at

227-229 North Maclay Avenue, subject to meeting certain performance milestones recommended by City Planning Staff as part of the conditions of Project approval.

Collectively, the activities allowed under the Commission's approval of CUP 2017-002, amending CUP 2013-01, pursuant to Planning and Preservation Commission Resolution No 2017-002 (Attachment No. 1) and the Conditions of Approval attached as Exhibit "A", would facilitate the long time viability of the restaurant while enhancing the dining experience of customers. Furthermore, approval of CUP 2017-002 will create new services that seek to draw visitors and residents to the downtown and civic center areas in a manner consistent with the General Plan's goals and objectives and the development standards and design guidelines for the Downtown District (City Center Sub-District) of the SP-4 (Corridors Specific Plan) zone.

Based on the above findings, City Planning Staff recommends that the Planning and Preservation Commission approve Conditional Use Permit (CUP) 2017-001, amending CUP 2013-01, pursuant to Planning and Preservation Commission Resolution 2017-002 and the conditions of approval attached as Exhibit "A" to the resolution (Attachment No.1).

**ATTACHMENTS:**

1. Planning and Preservation Commission Resolution 2017-002 and Exhibit "A": Conditions of Approval
2. Conditional Use Permit Application – CUP 2017-001
3. Notice of Public Hearing Published in the *Los Angeles Daily News*
4. Zoning & Vicinity Map
5. Project Site Photos
6. Set of Plans



**RESOLUTION NO. 2017-002**

**A RESOLUTION OF THE PLANNING AND PRESERVATION COMMISSION OF THE CITY OF SAN FERNANDO APPROVING CONDITIONAL USE PERMIT 2017-00 TO ALLOW FOR THE SALE AND ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES IN CONJUNCTION WITH THE CONTINUED OPERATION AND EXPANSION OF PAPA JUAN'S , A BONA FIDE PUBLIC EATING PLACE LOCATED AT 227 & 229 NORTH MACLAY AVENUE.**

WHEREAS, an application has been filed by Cesar S. Garcia c/o Papa Juan's Restaurant, P.O. Box 921954, Sylmar, CA 91392 (the "Applicant"), to request approval of a conditional use permit (CUP) application allow an existing bona fide eating establishment with existing on-site sale and consumption of alcoholic beverages as an ancillary use, including beer and wine for consumption onsite (Type 41; On-Sale Beer and Wine – Eating Place), to allow the following: upgrade the existing beer and wine license to a beer, wine, and distilled spirits (Type 47; On-Sale General – Eating Place), for consumption onsite and within the adjacent tenant space (227-229 N. Maclay Ave.); allow for the sale and consumption of alcohol within a designated outdoor dining area; provide outdoor live entertainment within designated stage area from 10:00am – 10:00pm; and allow up to twelve (12) special events per calendar year with associated alcohol sales and consumption within the entire commercial center courtyard area (per California Department of Alcoholic Beverage Control (ABC) rules) located at 227-229 North Maclay Avenue (the "Project"). The restaurant use occupies an approximate 1,427 square foot tenant space. The project will facilitate expansion into the adjacent two-story approximately 1,209 square foot tenant space (227-229 N. Maclay Ave.) and will utilize an approximate 626 square foot designated outdoor dining area located within the existing commercial center courtyard. The subject property is an approximate 29,812.5 square feet site. The subject property is located at the west side of the 200 block of North Maclay Avenue, between Second Street and Third Street. In addition, the project site is within the Downtown District – City Center Sub-District of the San Fernando Corridors Specific Plan (SP-4) Zone.;

WHEREAS, the Applicant has requested approval of the requested conditional use permit pursuant to City Code Section 106-176 et seq and Section 2.4(A) of the development standards for the Downtown District – City Center Sub-District of the San Fernando Corridors Specific Plan to allow for the sale of alcoholic beverages, including beer, wine, and distilled spirits, for consumption on the premises Type 47; On-Sale General – Eating Place in conjunction with the continued operation and expansion of a bona fide eating place located at 227-229 North Maclay Avenue;

WHEREAS, the Planning and Preservation Commission has considered all of the evidence presented in connection with the Project, written and oral at the public hearing held on the 7th day of February 2017;

NOW, THEREFORE, BE IT RESOLVED that the Planning and Preservation Commission finds as follows:

SECTION 1: This Project has been reviewed by the City for compliance with the California Environmental Quality Act (CEQA). Based on the City's environmental assessment, it is the City

Planning Staff's assessment that the Project qualifies for a Categorical Exemption under Class 32 (In-Fill Development Projects) of San Fernando's CEQA Guidelines in that the proposed conditional use permit is limited to allowing an existing bona fide eating establishment with existing ancillary sale of alcoholic beverages, including beer, wine, and distilled spirits, for consumption onsite (Type 47; On-Sale General – Eating Place), to allow the following: expansion of restaurant into adjacent tenant space (227-229 N. Maclay Ave.); allow for the sale and consumption of alcohol within a designated outdoor dining area; provide outdoor live entertainment within designated stage area from 10:00am – 10:00pm; and, allow up to twelve (12) special events per calendar year with associated alcohol sales and consumption within the entire commercial center courtyard area (per ABC rules). Therefore, the proposed CUP and associated physical improvements to the Project Site will not have a significantly adverse impact on the environment.

The approximately 29,812.5 sq. ft. Project Site is less than five acres and is located within an urbanized area of the City along North Maclay Avenue, Third Street, and Hagar Street and has no value as a habitat for endangered, rare or threatened species. The proposed expanded occupancy of the existing restaurant and associated physical improvements to the Project Site and re-designed on-site parking facility will not have any significant adverse environmental impacts related to traffic, noise, air quality, or water quality. The Project Site will continue to have adequate ingress and egress for pedestrian and vehicular access from the Project Site onto North Maclay Avenue and Third Street, which are a major arterial and local collector roadways, respectively within the City.

The existing tenant space with the proposed expansions inclusive of the overall existing commercial center is less than 75,000 sq. ft. of non-residential use surrounded by similarly zoned and developed commercial sites and therefore will not have the potential to create adverse environmental impacts related to city code permitted noise levels, the existing air quality levels, and/or the quality of the City's water system and will not adversely impact existing utilities and public services already available to the Project Site;

SECTION 2: The Project is consistent with the objectives, policies, and general land uses and programs provided in the City's General Plan and the applicable development standards of the Downtown District – City Center Sub-District of the San Fernando Corridors Specific Plan (SP-4) Zone; and

SECTION 3: Pursuant to City Code Section 106-145, the Planning and Preservation Commission finds that the following findings for Conditional Use Permit 2017-001 have been justified and upheld in the affirmative because of the recommended conditions of approval regarding operating procedures governing the sale of alcoholic beverages for on-site consumption. The Planning and Preservation Commission (the "Commission") findings are as followed:

**1. The proposed use is one conditionally permitted within the subject zone and complies with all applicable sections of the zoning ordinance.**

Pursuant to Section 2.1(B) of the development standards for the Downtown District – City Center Sub-District of the San Fernando Corridors Specific Plan, the operation of a restaurant and other eating establishments is by-right use within the sub-district. Additionally, pursuant to Section 2.4(A) of the development standards for the Downtown District – City Center Sub-District of the San Fernando Corridors Specific Plan and pursuant to City Code Section 106-

176 et seq, the expanded sales area for the ancillary sale and on-site consumption of alcohol in conjunction with the operation of a bona fide eating establishment is a conditionally permitted use within the sub-district.

Papa Juan's, the existing restaurant, is a bona fide public eating place that provides direct table service to patrons of establishment. The approval of the requested CUP amendment would allow for the restaurant to offer alcoholic beverages with meals, as is customary with other similar types of bona fide public eating place within the existing floor area as well as the expanded floor plan that includes the adjacent tenant space and designated outdoor dining area. Additionally, the Project site would not trigger any specific distance separation requirements from any other on-sale or off-sale alcohol outlets as currently operated and/or as proposed through the expanded operation, because it continues to be exempted use as a bona fide eating place, pursuant to City Code 106-179(c)(1). Therefore, it is staff's assessment that the proposed CUP for the ancillary sale and consumption of alcoholic beverages use is conditionally permitted within the subject zone district and sub-district, which complies with all applicable sections of the City's Zoning Ordinance including the applicable development standards of the San Fernando Corridors Specific Plan. Thus, it is the Commission's determination that this finding can be made.

**2. The proposed use would not impair the integrity and character of the zone in which it is to be located.**

Papa Juan's Restaurant, located at 227 N. Maclay Avenue, is an existing approximate 1,427 square foot restaurant. The Project will facilitate expansion into the adjacent two-story approximately 1,209 square foot tenant space (229 N. Maclay Ave.) and will utilize an approximate 626 square foot designated outdoor dining area located within the existing commercial center, Library Plaza courtyard, a mixed-use multi-tenant commercial center within the city's downtown district. As provided for in Section 1 of the development standards for the Downtown District of the SP-4 (Corridors Specific Plan) Zone, the purpose of the city's downtown is to "create a lively center of the city where the community of San Fernando comes together. Downtown will provide a central shopping and entertainment district for the city, and will include retail shops and services, restaurants, civic and community meeting places and entertainment venues."

The requested CUP to allow the ancillary sale and on-site consumption of alcoholic beverages in conjunction with the operation of an existing bona fide public eating place would allow for Papa Juan's Restaurant to expand its sales area to provide services customary of other similar eating establishments. Permitting the ability for an existing restaurant in the city's downtown and civic center areas to expand its business through the sale and on-site consumption of alcoholic beverages to be served alongside meals within the increased sales area resulting from the expansion of their floor area to include the neighboring tenant space and outdoor dining area, helps foster growth and goes toward creating a lively environment for within the city's center.

Furthermore, to ensure the protection and preservation of surrounding neighborhood, while fostering and promoting growth in the city's downtown, the city's standard conditions of

approval for establishments requesting alcohol permits would be adopted to prevent issues associated with loitering, noise, off-site consumption of alcohol, trash and debris, and other public nuisance conditions, pursuant to City Code Section 106-182 (b) and (c). Noncompliance with the adopted conditions of approval would require the city to seek corrective action from the business owner and may lead to revocation of the required CUP. Therefore, the proposed sale and on-site consumption of alcohol to complement the existing restaurant food sales would not impair the integrity and character of the city's downtown or the intent and purpose of the SP-4 Zone for this zoning district. Thus, it is the Commission's determination that this finding can be made.

**3. The subject site is physically suitable for the type of land use being proposed.**

Library Plaza, the multi-tenant commercial center where Papa Juan's Restaurant is located, is an approximate 29,812.5 square foot commercial center located within the Downtown District – City Center Sub-District of the San Fernando Corridors Specific Plan (SP-4) Zone. Parking for the restaurant and the multi-tenant commercial center, which includes the Los Angeles County Library is provided at the rear of the property abutting the public alley, within an approximate 14,250-square-foot off-site parking lot directly across the alley (Los Angeles County Assessor's Parcel No's.: 2520-026-007 and 019) and along the adjacent streets. Parking for the Project Site consists of 14 off-street parking spaces at the rear of the property abutting the public alley and 46 off-street parking spaces and 17 on-street parking spaces for a total of 77 parking spaces. The Project Site is currently developed with similar commercial uses, including two additional smaller eating establishments, a coffee shop and the Los Angeles County Public Library. The range of uses established at the Project Site and permitted by the development standards of the Downtown District encourages the establishment of a diversity of uses that promote an environment for entertainment and a "lively center of the city."

The Project Site and the existing 1,427 square foot restaurant inclusive of the expansion into the adjacent two-story approximate 1,209 square foot tenant space (229 N. Maclay Ave.), utilization of an approximate 626 square foot designated outdoor dining area located within the existing commercial center courtyard and a designated outdoor live entertainment area are physically suitable for the requested CUP for sale and on-site consumption of alcoholic beverage that would be served along with meals to patrons. The sale and consumption of alcoholic beverages would be completely self-contained within the restaurant and designated outdoor dining area and will only allow the consumption of alcohol within the entire center's courtyard through the City's prior review and approval of a Special Event Permit. Thus, it is the Commission's determination that this finding can be made.

**4. The proposed use is compatible with land uses presently on the subject property.**

Library Plaza is an existing approximate 29,812.5 square foot multi-tenant commercial center with established uses consisting of small eating establishments, a coffee shop, a barber shop and the Los Angeles County Public Library. The proposed CUP amendment to allow for the ancillary sale and on-site consumption of alcohol within the expanded lease area in operation of a bona fide public eating place would be compatible with those services offered to patron



of similar restaurants within the city. Additionally, the mix of public and civic facilities that are within the commercial center create an inviting environment for patrons that promote entertainment and a lively center of the city, as is sought for all properties within the city's downtown and civic center areas. Thus, it is the Commission's determination that this finding can be made.

**5. The proposed use would be compatible with the existing future land uses within the zone and the general area in which the proposed use is to be located.**

The City's San Fernando Corridors Specific Plan (SP-4) Zone and associated districts and sub-districts, is developed with a variety of commercial uses that help serve the needs of residents of the city and neighboring communities. The city adopted policies and strategies to help transform the city's main corridors (San Fernando Road, Truman Street, and Maclay Avenue) into attractive, livable, and economically vital districts. Within the Downtown District of the corridors specific plan, the establishment of retail stores, business and personal service shops, restaurants and other similar eating establishments, and civic and cultural facilities, including libraries, museums, and art galleries is principally permitted and envisioned as the types of uses to be established in the future for all applicable properties. As provided above, these uses are permitted pursuant to Sections 2.1 and 2.2 of the development standards for San Fernando Corridors Specific Plan (SP-4) Zone. As such, the proposed expansion of the existing restaurant would be compatible with existing commercial land uses within the vicinity of the Project Site. Furthermore, the City's General Plan Land Use Element designates the Project Site within the City's San Fernando Corridors Specific Plan (SP-4) land use area, as a location where future uses that are envisioned for the area include the operation of similar commercial activities to those proposed under Papa Juan's Restaurant expansion.

The request to amend an existing CUP to allow the sale and on-site consumption of alcoholic beverages within the expanded lease area, which includes the adjacent tenant space and designated outdoor dining area with limited ancillary live outdoor entertainment would further augment the services the existing restaurant offers while providing the opportunity to remain competitive with other similar dining establishments that offer alcoholic beverages along with meals. Within the Downtown District, the types of permitted uses like Papa Juan's Restaurant are those that typically generate a significant amount of foot traffic. Library Plaza, the commercial center where the existing restaurant is located, has established restaurant and similar eating establishment uses that directly benefit from increased foot traffic from visitors to the Los Angeles County Library and potential patrons to the eateries that come from the nearby Los Angeles County Courthouse facilities. The expanded restaurant services coupled with the other institutional and commercial uses at Library Plaza help create a synergy of activity that meets the purpose of the district by helping to creating "a lively center of the city where the community of San Fernando comes together" (Section 1 of the development standards for the Downtown District, Page 70). Therefore, the requested CUP to allow the sale and on-site consumption of alcoholic beverages within the expanded lease area, consisting of the adjacent tenant space and the designated outdoor dining area inclusive of an outdoor life entertainment component as an ancillary to the operation of a bona fide public eating place would be compatible with the existing and future land uses

envisioned within the Downtown District (City Center Sub-District) of the SP-4 (Corridors Specific Plan) zone and the general area in which the proposed use is to be located. Thus, it is the Commission's determination that this finding can be made.

**6. There would be adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.**

The existing restaurant and larger commercial center within which it is located is adequately served by existing water, sanitation and public utilities that were previously developed through the construction of Library Plaza in 1998. Any required future improvements to infrastructure and public utilities with the change of occupancy would be required to be developed in compliance with the requirements of the city's building and health and safety codes, including any requirements for off-site improvements and utility connections from the City's Public Works Department. Thus, it is the Commission's determination that this finding can be made.

**7. There would be adequate provisions for public access to serve the subject proposal.**

Papa Juan's, the existing sit-down restaurant, has adequate provisions for public access through the courtyard within Library Plaza that serves all tenants of the commercial center. Patrons seeking to dine at the restaurant and compliment their meals with an alcoholic beverage have the ability to enter the commercial center from the primary entrance along North Maclay Avenue or the secondary entrance along the rear of the property facing the public alley and on-site and off-site parking facilities. Parking for the Project Site is provided by 14 off-street parking spaces at the rear of the property abutting the public alley and 46 off-street parking spaces and 17 on-street parking spaces for a total of 77 parking spaces. Adequate vehicular access to the parking facilities is provided along driveways located along Third Street, the adjacent public alley and North Maclay Avenue. Thus, it is the Commission's determination that this finding can be made.

**8. The proposed use would be appropriate in light of an established need for the use at the proposed location.**

Within the Downtown District - City Center Sub-District of the San Fernando Corridors Specific Plan (SP-4) zone, restaurants and similar eating establishments are permitted, with the ancillary sale and on-site consumption of alcohol beverages permitted through the city's review and approval of a conditional use permit. The request to amend an existing CUP to allow the sale and on-site consumption of alcoholic beverages within the expanded lease area, consisting of the adjacent tenant space and the designated outdoor dining area in conjunction with the operation of a bona fide public eating place with a proposed a limited ancillary outdoor live entertainment component is an appropriate and compatible use for the types of currently established and potentially permitted uses that the Downtown District allows. Approval of the CUP for the expanded sales area for the on-site sale and consumption of alcoholic beverages as an ancillary use to a bona fide public establishment (Papa Juan's Restaurant) helps to encourage future development of the city's downtown area. CUP

approval at the Project Site facilitates the expansion of locally serving service commercial uses provided by restaurants in the downtown and civic center areas, which in turn helps to draw new visitors to the area and create a lively commercial district of the city and further revitalize the city's downtown core.

The requested CUP would allow for Papa Juan's Restaurant to augment its offerings by providing increased occupancy for interested patrons to dine indoors and within the designated outdoor dining area with the ability to order an expended menu of alcoholic beverages with their meal. The sale and on-site consumption of alcoholic beverages is a customary service offered by similar bona fide public eating places both within and outside the city. Fostering the growth of these types of establishments through the approval of a CUP for the additional service promotes investment in the city's downtown area and has the potential to promote future redevelopment of other properties with uses that meet the purpose and intent of the San Fernando Corridors Specific Plan and the Downtown District. Therefore, the requested CUP would be appropriate in light of an established need for the type of restaurant with ancillary alcohol beverage uses being proposed at the Project Site. Thus, it is the Commission's determination that this finding can be made.

**9. The proposed use is consistent with the objectives, policies, general land uses and programs of the City's general plan.**

The request to amend an existing CUP to allow the sale and on-site consumption of alcoholic beverages within the expanded lease area, consisting of the adjacent tenant space, designated outdoor dining area with limited ancillary live outdoor entertainment, in conjunction with the operation of Papa Juan's Restaurant, a bona fide public eating place, and conditionally allowing for between six (6) and twelve (12) special events per calendar year with associated alcohol sales and consumption within the entire commercial center courtyard area (per ABC rules) would facilitate an increased diversity of alcoholic beverages to be available to patrons with their meals in a manner that enhances their dining experience while promoting the economic viability of the Downtown District. Permitting the ability for a restaurant in the city's downtown to expand its business through the continued sale of alcoholic beverages helps foster growth and goes toward creating a lively environment within the city's downtown and civic center areas while helping to maintain an identity within the area that is distinct from surrounding communities.

Furthermore, approval of the requested CUP would help support existing dining and entertainment uses that reduce potential commercial vacancies and "attract new commercial activities, particularly within the downtown area." (San Fernando General Plan Land Use Element Goals and Objectives, Pg. IV-6.). Thus, it is the Commission's determination that this finding can be made.

**10. The proposed use would not be detrimental to the public interest, health, safety, convenience or welfare.**

The request CUP to allow the sale and on-site consumption of alcoholic beverages within the expanded lease area, consisting of the adjacent tenant space, designated outdoor dining area

with limited ancillary live outdoor entertainment in conjunction with the operation of the existing bona fide public eating place while limiting live music and entertainment to between six (6) and twelve (12) special events per calendar year subject to city discretionary review, would allow for the ongoing viability of an existing restaurant within the city's downtown and civic center area. With the adoption of the recommended conditions of approval for the requested alcohol CUP, Papa Juan's Restaurant would be required to provide sufficient safeguards to deter any potential public nuisance issues and protect public interest, health, safety, convenience or welfare. Noncompliance with the conditions of approval for an approved CUP for alcohol sales would require corrective action on behalf of the business owner and may result in revocation of the granted CUP. Thus, it is the Commission's determination that this finding can be made.

**SECTION 4:** In addition to those findings set forth in City Code Section 106-145, applications for conditional use permits involving any use that involves the sale, serving, and/or consumption of alcoholic beverages shall require the Planning and Preservation Commission (the "Commission") to make the following findings, pursuant to City Code Section 106-178(a)(1-4):

**1. That the existing or proposed use does not or will not encourage or intensify crime within the reporting district that it is located.**

In review of reporting from the San Fernando Police Department (the "Police Department") group the information available for United States Census Tracts 3202.01 and 3202.02 as one complete reporting area, referred to as Police Department "Track 2". Track 2 encompasses an area bounded by the railroad tracks to the south, Hubbard Avenue to the west, the Pacoima Wash to the east, and Glenoaks Boulevard to the north. Based on the reporting data available from the Police Department, from December 1, 2015 to December 28, 2016; 31.7 percent of all incidents reported were generated from Track 2.

This rate is proportional with the rest of the City, as this reporting track covers approximately 0.96 square miles area of land. In comparison, Tracks 1 and 3 are comprised of an area of approximately 0.73 square miles and 0.65 square miles, respectively. Additionally, the Project Site is not within a reporting district that has a 20 percent greater number of reported crimes than the average number of reported crimes for the three crime reporting tracts, with the percentage of crime being relatively proportional throughout the City.

In addition, reporting data from the City Police Department for the Project Site from December 1, 2013 to the December 28, 2016 time indicates no calls for service. Subject to the CUP Applicant's compliance with required conditions of project approval, it is anticipated that approval of the requested CUP amendment at the Project Site would not have the effect of increasing the incident reporting percentages for this reporting track. Furthermore, approval of the requested CUP with the recommended conditions of approval, would allow for the abatement of any public nuisances associated with sale of alcohol at the Project Site, with potential CUP revocation by the City if public nuisances are not corrected in a timely manner. Thus, it is the Commission's determination that this finding can be made.

**2. That the existing or proposed use does not or will not adversely impact any residential use, church, hospital, educational institution, day care facility, park, or library within the surrounding area.**

As proposed, Papa Juan's, a bona fide public eating place, would augment the services they provide as an ancillary use to the existing restaurant. Alcoholic beverages would be offered for sale to patrons of the establishment to accompany the purchase of a meal. All business activity would be completely self-contained within the restaurant and designated outdoor dining area and will only allow the consumption of alcohol within the entire center's courtyard within Library Plaza subject to the city's prior review and approval of a Special Event Permit. Failure to address public nuisances issues associated with sale, purchase, and/or consumption of alcoholic beverages would result in city abatement action, including but not limited to, possible revocation of the CUP for repeated noncompliance. While the restaurant is located within a multi-tenant commercial center that also houses the Los Angeles County Public Library, the existing restaurant or the sale and on-site consumption of alcoholic beverages is not expected to have an impact on the existing library use because the outdoor dining area would be properly delineated and secured in compliance with applicable ABC rules.

Therefore, it is staff's assessment that the conditions of approval provide sufficient safeguards for the ongoing and expanded operation of a bona fide eating place and will therefore not adversely impact any residential use, church, hospital, educational institution, day care facility, park, or library within the surrounding area. Thus, it is the Commission's determination that this finding can be made.

**3. That the distance separation requirements in section 106-179 are met.**

Pursuant to City Code Section 106-179(c)(1), bona fide eating places like Papa Juan's Restaurant are exempt from distance separation requirements that would otherwise apply to businesses seeking a CUP for either the on-site sale or off-sale of alcoholic beverages. Thus, it is the Commission's determination that this finding can be made.

**4. If required by City Code Section 106-180, that the existing or proposed use will serve a public convenience or necessity, as defined in section 106-180.**

Based on the reporting data available from the Police Department, from December 1, 2015 through December 28, 2016 of 2016, 31.7 percent of all incidents reported were generated from Track 2. This rate is proportional with the rest of the city, as this reporting track covers approximately 0.96 square miles area of land. In comparison, Tracks 1 and 3 are comprised of an area of approximately 0.73 square miles and 0.65 square miles, respectively. Additionally, the Project Site is not within a reporting district that has a 20 percent greater number of reported crimes than the average number of reported crimes for the three crime reporting tracts, with the percentage of crime being relatively proportional throughout the city.

Notwithstanding the aforementioned data, Papa Juan' Restaurant is located within Census Tract No. 3202.01 and has a published total population of 3,756 residents as of the 2010 United States Census. There are a total of six (6) on-sale and off-sale licenses within the census tract, inclusive of Papa Juan's Type 41 License.

A review of the city and ABC records indicates that there are five (5) existing on-sale alcohol outlets (one (1) on-sale alcohol outlet for every 751 residents) within Census Tract No. 3202.01 inclusive of the existing Type 41 License held by the Applicant. The change from a Type 41 to a Type 47 will not result in a net increase in licenses within the census tract. The population in Los Angeles County is 9,818,605, with ABC records showing that a total of 9,903 on-sale alcohol licenses are active countywide. The ratio of on-sale licenses to population in Los Angeles County is one (1) license for every 991 residents. The ratio of on-sale licenses within Census Tract No. 3202.01 is higher than the ratio for Los Angeles County.

It is staff's assessment that the requested conditional use permit to allow for the continued sale and on-site consumption of alcoholic beverages as an ancillary use to the existing restaurant will serve a public convenience and necessity by providing for expanded restaurant services that maintain the downtown and civic center areas, and in particular the City Center Sub-District, as an economically viable destination for dining, shopping and entertainment. Approval of the conditional use permit will also reduce the potential for blight impacts associated with restaurant failures and subsequent vacancies and related public nuisances. It is City Planning Staff's assessment that an undue concentration exists within Census Tract 3202.01 and that the requested alcohol CUP would create an instance of undue concentration within the census tract. Therefore, it is the Commission's determination that findings of public convenience and necessity, pursuant to City Code Section 106-180, are required in this case.

SECTION 5: Whenever a request for a determination of public convenience or necessity in connection with the issuance of a license for the sale of alcoholic beverages by the ABC is submitted to the city as allowed under Business and Professions Code Section 23958.4, as the same may be amended from time to time, the Planning and Preservation Commission (the "Commission"), in making that determination, shall consider the following:

- 1. Whether the sale of alcoholic beverages as part of the proposed use would serve a niche market in the city that would not otherwise be filled by other existing businesses with alcoholic beverage licenses in the surrounding area.**

The adoption of the San Fernando Corridors Specific Plan in 2005 (the "Specific Plan") allowed the city to enact policies to revitalize and encourage investment within the city's primary corridors, including the city's downtown and civic center areas along North Maclay Avenue. Within the Downtown District, and in particular the City Center Sub-District, the Specific Plan calls for the "creation of a lively center of the city where the community of San Fernando comes together." (Section 1 of the development standards for the Downtown

District). The City Center Sub-District is intended as a focal point of activity in the community, with the concentration of the city's retail and civic activity into one walkable area.

In reviewing permit data from the California Department of Alcoholic Beverage Control for Census Tract 3202.01, the tract that Papa Juan's Restaurant is located in, a total of five on-sale active alcohol licenses exist. Based on these findings, it is staff's assessment that sale of alcoholic beverages as part of the existing restaurant would serve a niche market in the city, and the City Center Sub-District in particular, that is not currently filled by other existing businesses with similar alcoholic beverage licenses in the surrounding area and corresponding census tract. Thus, it is the Commission's determination that this finding can be made.

**2. The extent to which the proposed use enhances the convenience of purchasing alcoholic beverages in conjunction with other specialty food sales or services.**

Papa Juan's Restaurant, the existing bona fide public eating place at the Project Site would allow for the continued economic viability of the site consistent with similar commercial uses allowed within the Downtown District and the City Center Sub-District. Providing for the expansion of the sale and on-site consumption of alcoholic beverages as a continued ancillary use to the existing restaurant enhances the dining experience for patrons and convenience of purchasing alcoholic beverages in conjunction with other specialty foods. Therefore, approval of an on-sale permit alcohol to sale and serve alcoholic beverages to patrons of the restaurant along with meals would help deter the spread of economic and physical blight throughout the Project area that may be partly attributed to vacancies and deferred maintenance of vacant commercial buildings. Thus, it is the commission's determination that this finding can be made.

**3. The extent to which the proposed use in conjunction with the redevelopment of an existing or proposed building or structure will enhance the architectural character at the location of the proposed use and the surrounding area.**

Papa Juan's Restaurant, the existing restaurant business at the Project Site would allow for the continued economic viability of the commercial center, consistent with similar commercial uses within the city's downtown and civic center areas. The Library Plaza Project Site, as developed in 1998, continues to retain its high quality appearance and is a prime example of the type of commercial, mixed-use development sought within the city's downtown and civic center areas. The issuance of the requested permit to allow for the expanded sale and on-site consumption of alcoholic beverages associated with the existing bona fide public eating place would promote the continued success of an important business type that is critical in helping redefine the city's downtown and civic center area into a more livable, walkable, and entertaining place for visitors and residents of the city. Thus, it is the Commission's determination that this finding can be made.

**4. The manner in which the proposed use is to be conducted (special or unique features), including the extent to which the proposed use will include training of employees through ABC or an authorized third party to assure well-trained staff knowledgeable in the serving of alcoholic beverages safely, responsibly, and legally as well as in order to**

**prevent illicit drug activity at the location of the proposed use.**

Pursuant to City Code Section 106-182(b)(4), “all employees who serve or sell alcoholic beverages shall successfully complete a responsible beverage service training program that meets the requirements of ABC. Records of such training shall be maintained on the premises and made available to the police department personnel upon request.” As a condition of approval for all bona fide public eating places seeking a permit to allow for the sale and on-site consumption of alcoholic beverages, this language is incorporated into the conditions of approval for an approved conditional use permit. The owners and employees of Papa Juan’s Restaurant shall be responsible for complying with these conditions of approval and all required conditions from ABC. Thus, it is the Commission’s determination that this finding can be made.

**5. The extent to which the proposed use compliments uses in the surrounding area.**

Papa Juan’s, the existing restaurant, has been in operation since the beginning of 2015. Prior to this restaurant, “Library Bistro,” a similar bona fide public eating place operated at the project site at 227 North Maclay Avenue. Papa Juan’s Restaurant complements other existing eating establishment within the commercial center it is located in, along with retail, personal service and governmental uses. In addition, the applicable development standards of Downtown District allow for the operation of bona fide public eating places and the consideration for sales and on-site consumption of alcoholic beverages for said eating establishments through a conditional use permit. The requested conditional use permit for the on-site sale and consumption of alcohol in combination with the operation of a bona fide eating place will complement existing uses in the district and promote the economic viability of the downtown and civic center areas as an eating and entertainment destination center for residents and visitors to the community. Thus, it is the Commission’s determination that this finding can be made.

**6. The extent to which the proposed use, location, and/or operator has a history or law enforcement problems.**

In order to evaluate and substantiate this finding, data from the City of San Fernando Police Department was requested for the Crime Report Area that the Project Site is located in U.S. Census Tract 3202.01 Papa Juan’s Restaurant is currently located at 227 N. Maclay Avenue and will be expanding to 229 N. Maclay Avenue within the City’s SP-4 Zone and is located within the City Police Department’s crime reporting “Track 2”. Track 2 encompasses an area bounded by the railroad tracks to the south, Hubbard Avenue to the west, the Pacoima Wash to the east, and Glenoaks Boulevard to the north.

In review of the City Police Department’s data from December 3, 2013 to December 28, 2016 reporting data indicates no calls for service. Therefore, the requested CUP by the Applicant to allow for the sale of alcoholic beverages, including beer, wine, and distilled spirits, for consumption on the premises (Type 47, off-sale general alcohol license), in conjunction with the planned occupancy and expansion of a bona fide eating place at the Project Site is not expected to increase the demand for law enforcement calls for service to the Project Site. Furthermore, any noncompliance with the conditions of approval for the requested CUP



would require enforcement action by the city to abate any public nuisance, with repeated noncompliance leading to potential revocation of the CUP. It is staff's assessment that no significant criminal activity has occurred at the Project Site to date and sufficient safeguards would be in place as part of the requested CUP to abate any potential public nuisance issues in the future. Thus, it is the Commission's determination that this finding can be made.

**7. The crime rate in the reporting district as compared to neighboring districts in the city and/or adjacent cities.**

The data from the City's Police Department identifies United States Census Tract 3202.01 and 3202.02 as one complete reporting area, referred to as San Fernando Police Department's crime reporting Track 2, which encompasses an area bounded by the railroad tracks to the south, Hubbard Avenue to the west, the Pacoima Wash to the east, and Glenoaks Boulevard to the north. Based on the City's Police Department reporting data, from December 1, 2015 through December 28, 2016, 31.7 percent of all incidents reported were generated from Track 2.

This rate is proportional with the other two crime report areas (i.e., Track 1 and Track 3) that make up the city. It is anticipated that approval of the requested CUP to allow for the sale of alcoholic beverages, including beer, wine, and distilled spirits, for consumption on the premises (on-sale general – eating place), in conjunction with the operation of a bona fide eating establishment, would not have the effect of increasing incident reporting percentages for this reporting track. Furthermore, approval of the CUP 2017-001 with the recommended conditions of approval, would allow for city abatement of public nuisances associated with alcohol sale, purchase and/or consumption. Thus, it is the Commission's determination that this finding can be made.

**8. The number of alcohol-related police calls for service, crimes or arrests in the reporting district and adjacent districts within the city.**

Based on reporting data provided by the City of San Fernando Police Department regarding alcoholic related service calls, no calls for service to the Project Site during the December 1, 2013 to December 28, 2016 reporting period were for alcohol related incidents. It is not anticipated that the requested CUP 2017-001 to allow for the sale of alcoholic beverages, including beer, wine, and distilled spirits, for consumption on the premises ("on-sale general-eating place"), in conjunction with the continued operation and expansion of an existing bona fide eating place at 227-229 North Maclay Avenue would increase the number alcohol-related service calls, with the implementation of the recommended conditions of approval for the Project.

The primary use would remain that of a bona fide eating establishment with the expanded menu of ancillary alcoholic beverage sales, including beer, wine, and distilled spirits, for consumption on the premises (on-sale general – eating place), per CUP 2017-001. Alcoholic beverages, including beer, wine, and distilled spirits would be available for purchase for on-site consumption to be accompanied with a meal. Furthermore, approval of the CUP 2017-001 with the recommended conditions of approval, would allow for the city abatement of public nuisances associated with alcohol sale, purchase and/or consumption. Thus, it is the

Commission's determination that this finding can be made.

BE IT FURTHER RESOLVED that based upon the foregoing, the Planning and Preservation Commission hereby approves Conditional Use Permit 2017-001, subject to the Conditions of Approval attached as Exhibit "A".

**(SIGNATURE PAGE TO FOLLOW)**

PASSED, APPROVED AND ADOPTED this 7th day of February 2017.

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THEALE E. HAUPT, CHAIRPERSON

ATTEST:

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FEDERICO RAMIREZ, SECRETARY TO THE PLANNING  
AND PRESERVATION COMMISSION

STATE OF CALIFORNIA       )  
COUNTY OF LOS ANGELES ) ss  
CITY OF SAN FERNANDO    )

I, FEDERICO RAMIREZ, Secretary to the Planning and Preservation Commission of the City of San Fernando, do hereby certify that the foregoing Resolution was duly adopted by the Planning and Preservation Commission and signed by the Chairperson of said City at a meeting held on the 7th day of February 2017; and that the same was passed by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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FEDERICO RAMIREZ, SECRETARY TO THE PLANNING AND  
PRESERVATION COMMISSION

**EXHIBIT “A”**  
**CONDITIONS OF APPROVAL**

**PROJECT NO.** : **Conditional Use Permit 2017-001**

**PROJECT ADDRESS** : 227 & 229 North Maclay Avenue, San Fernando, CA 91340  
(Los Angeles County Assessor’s Parcel No(s): 2520-026-012, 013, 014, 015)

**PROJECT DESCRIPTION** : The proposed project is a request for review and approval of a Conditional Use Permit (CUP) 2017-001 to allow for the sale of alcoholic beverages, including beer, wine, and distilled spirits, for consumption on the premises (Type 47; On-Sale General – Eating Place), in conjunction with the continued operation and expansion of Papa Juan’s Restaurant, a bona fide public eating place located at 227 & 229 North Maclay avenue

The following conditions shall be made a part of the approval of the project, and shall be complied with in their entirety, as determined by the Community Development Department:

- 1) Conditional Use Permit Entitlement. The Conditional Use Permit 2017-001 is granted for the land described in this application and any attachments thereto, as reviewed by the Planning and Preservation Commission on February 7, 2017, except as herein modified to comply with these Conditions of Approval.
- 2) Incidental Use. The conditional use permit is granted for the “incidental” on-site sale, purchase, and/or consumption of alcoholic beverages. The sale of alcoholic beverages shall be “incidental to the sale of other products” as defined in City Code Section 106-177 (Definitions). At the request of the Chief Planning Official satisfactory proof shall be submitted to show that the sale of annual alcohol has remained incidental to sale of other products. The applicant shall comply with all requirements of the California Department of Alcoholic Beverage Control (ABC).
- 3) Licensing. The Planning and Preservation Commission’s approval of this conditional use permit shall permit the applicant to apply for a “Type 47 License” (On-Sale General – Eating Place) with ABC. A Type 47 License shall authorize the ancillary sale of alcoholic beverages, including beer, wine, and distilled spirits, for consumption on the premises where sold. Should applicant fail to apply for or be denied such Type 47 License, applicant shall be permitted to apply to expand the scope of its existing Type 41 License from ABC to the expanded outdoor dining and courtyard areas, as permitted under ABC rules and regulations.
- 4) Alcoholic Consumption Limitation. The operator of the restaurant shall comply with all the applicable city provisions for the on-site sale and consumption of alcoholic beverages in conjunction with a bona fide public eating place pursuant to City Code Sections 106-176 through 106-183. All on-site sale and consumption of alcoholic beverages shall be limited to the confines of the building. Alcoholic beverages shall not be permitted to be consumed in the parking area or other exterior areas of the premises. Alcoholic beverages shall not be sold for consumption off the premises. In addition, loitering in the public right-of-way area, parking area, and/or in front of adjacent properties is prohibited.

- 5) Minimum Age to Serve Alcohol. Employees of the restaurant that are 21 years of age or older are permitted to serve alcoholic beverages to patrons dining at the establishment. No employee that is less than 21 years of age shall engage in the preparation or service of alcoholic beverages.
- 6) Standard Conditions for On-Sale Alcohol Establishments. In addition to those conditions of approval which the Planning and Preservation Commission may otherwise impose, all on-sale conditional use permits for alcoholic beverage sales shall be subject to the following standard conditions, as required by City Code Section 106-182:
- a. Alcoholic beverages shall not be permitted to be consumed in the parking area or other exterior areas of the premises;
  - b. Alcoholic beverages shall not be sold for consumption off the premises;
  - c. The hours of operation, including deliveries to the proposed establishment, shall be reviewed and approved by the Planning and Preservation Commission as part of the CUP application in order to ensure compatibility with the surrounding area;
  - d. All employees who serve or sell alcoholic beverages shall successfully complete a responsible beverage service training program that meets the requirements of ABC. Records of such training shall be maintained on the premises and made available to the police department personnel upon request;
  - e. Loitering in the public right-of-way, parking area and in front of adjacent properties is prohibited. For purposes of this entitlement, loitering shall mean the act of an individual or group of individuals of remaining in a particular place within the vicinity of the business for a protracted time, without directly conducting any business activity and causing the disruption of peace and enjoyment of the public at the site.
  - f. The following signs shall be conspicuously posted onsite:
    - i. Exterior signs referencing Penal Code Section 602.1. Such signs shall be clearly visible from the establishment's parking area and shall include the police department's phone number.
    - ii. An interior sign in English and Spanish stating: "We ID everyone under 26 years of age for alcohol sales" with minimum dimensions of eight inches by 11 inches.
  - h. Exterior public telephones that permit incoming calls shall not be located on the premises;
  - i. Electronic games, including video games, shall not be located on the premises;
  - j. Exterior lighting of the parking area shall provide adequate lighting for patrons while not producing glare or light spillover disturbing surrounding residential or commercial areas;
  - k. Unless otherwise approved by the Chief of Police, a security camera system approved by the police department shall be installed on the premises and shall be maintained in proper working

order at all times. The security camera system shall be subject to inspection by the police department. The system must be capable of producing retrievable images on film or tape that can be made a permanent record and that can be enlarged through projection or other means. The video or digital recordings generated by the system shall be maintained for a period of 30 days;

- l. The establishment shall implement preventive architectural design features as approved by the chief of police and the chief planning official in order to maintain a secure site by controlling access to the facility, open sight lines, adequate lighting levels, ambient noise levels and circulation patterns;
  - m. Special security measures such as security guards, door monitors, and burglar alarms systems may be required as a condition of approval with final determination made by the chief of police and the chief planning official on a case-by-case basis;
  - n. Litter and trash receptacles shall be located at convenient locations both inside and outside the establishment, and trash and debris shall be removed on a daily basis;
  - o. The exterior of the establishment, including all signs, accessory buildings and structures shall be maintained free of litter and graffiti at all times. All graffiti shall be removed from the premises within 24 hours of its discovery;
  - p. With regard to those conditional use permit applications that are approved based in part upon the fact that alcohol sales on the premises are incidental to the sale of other products, proof satisfactory to the chief planning official shall be annually submitted to show that the sale of alcohol has remained incidental to the sale of other products;
  - q. Within 30 days of approval of this conditional use permit, the applicant shall certify his or her acceptance of the conditions placed on the approval by signing a statement that he or she accepts and shall be bound by all of the conditions;
  - r. Violation of, or noncompliance with, any of the conditions of approval shall constitute grounds for revocation of this conditional use permit;
  - s. Expansion or enlargement of the business premises over the life of the structure or the use shall be subject to review by the Community Development Department as part of the conditional use permit approval process.
- 7) Hours of Operation. The sale of alcoholic beverages can only be sold during hours that meals are being served between the hours of: 10:00 am to 10:00 pm, Monday through Wednesday; between 10:00 am to 12:00 am (Midnight), Thursday through Saturday; and between 10:00 am to 10:00 pm on Sunday. The business is allowed to open at earlier start times on a daily basis in order to serve meals so long as no alcoholic beverages are sold prior to the hour of 10:00 am. The operator of the restaurant will be responsible for requiring that there be no loitering on the site at any time and that all customers shall leave the site no later than 30 minutes after closing. The doors to the establishment shall remain closed except upon entering and exiting the business. Changes in the hours of operation to allow for the sale and on-site consumption of alcoholic beverages beyond the hours provided above shall be subject to review and approval by the Planning and Preservation Commission.

- 8) Live Entertainment. No live entertainment shall be allowed within the establishment, except for table-oriented performances by mobile musicians using only non-amplified instruments, and without any interior physical improvements to accommodate stage performances. Dancing by patrons shall not be permitted within the establishment or project site unless said activity occurs as part of a Special Event Permit Application. The provisions for live music and entertainment will be limited to the outdoor designated stage area. Unless otherwise approved by the City as part of a Special Event Permit Application. Live music and entertainment shall be limited to the hours of 10:00 am – 10:00 pm and cannot occur during the Library business hours, and shall comply with the City's noise ordinance. Recorded music may be played in the establishment through a stereo system or similar equipment at all times during normal business hours subject to ongoing compliance with the City's Noise Ordinance (City Code Chapter 34).
- 9) Special Event Permit. A total of six (6) special events are allowed per calendar year for the first twenty-four months. All special events will require a Special Event Permit Application and are subject to the review and approval of the Community Development Director and the Chief of Police or their designees. If after the first twenty-four months, the City records show that no police calls for service and/or no alcohol related complaints (e.g., public intoxication, loitering, et cetera) have been received by the City pertaining to the applicant's operation, then the applicant may request City review and written approval from the Community Development Director and the Chief of Police or their designees for an increase in special event permits from six (6) to twelve (12). However, no such increase in such permits above six (6) in a single calendar year shall occur without prior written approval from the City. Following a duly permitted increase in the number of special events per calendar, the City reserves the right to subsequently reduce the number of special events per calendar year down to six (6) upon evidence of an overabundance of police calls for service and/or no alcohol related complaints (e.g., public intoxication, loitering, et cetera) have been received by the City pertaining to the applicant's operation. The Applicant may include to have consumption of alcohol within the entire commercial center courtyard area (per ABC rules).
- 10) Department of Alcoholic Beverages Control (ABC) Training. All employees who serve or sell alcoholic beverages shall successfully complete a responsible beverage service training program that meets the requirements of the ABC. All employees shall complete any applicable training required by ABC and obtain all required certifications within 30 days from the date of employment. Records of such training shall be maintained on the premises and made available to the police department personnel upon request.
- 11) Signage. Windows shall comply with the applicable City sign regulations as noted in the SP-4 Zone for similarly zoned property. Proposed signage and window tinting shall require prior City planning division review and approval before the issuance of sign permit and work initiated in order to ensure that clear and unobstructed view of the cash register and sales area from the parking lot and street is maintained unless otherwise provided for by the chief planning official.
- 12) Surveillance. A security camera system approved by the City of San Fernando Police Department shall be installed on the premises and shall be maintained in proper working order at all times. The security camera system shall be subject to inspection by the police department. The system must be capable of producing retrievable images on film or tape that can be enlarged through projection or other means. The video or digital recordings generated by the system shall be maintained for a period of 30 days.

Special security measures such as security guards, door monitors, and burglar alarms systems may be required as a condition of approval with final determination made by the chief of police and the chief planning official on a case-by-case basis. In addition, the establishment shall implement preventive architectural design features as approved by the chief of police and the chief planning official in order to maintain a secure site by controlling access to the facility, open sight lines, adequate lighting levels, ambient noise levels and circulation patterns.

13) Revocation. Violation of, or noncompliance with, any of these conditions of approval shall constitute grounds for revocation this conditional use permit, as provided below:

- a. Upon the issuance of, and conviction for, three zoning violation citations;
- b. Upon the revocation of the alcoholic license by ABC;
- c. Upon any two disciplinary actions by ABC in the form of a fine or suspension of the alcoholic license, during the term of the CUP; or
- d. Where conditions and activities on and/or adjacent to an off-sale or on-sale outlet, as defined herein, interfere with the quiet enjoyment of life and property in the neighborhood, or are or tend to be, injurious to health and safety of persons in the neighborhood. These include, but are not limited to the following:
  - i. Excessive noise, noxious smells or fumes, loitering, littering, curfew violations, disturbing the peace, illegal drug activity, public drunkenness, drinking in public, public urination, public vandalism, graffiti, lewd conduct, gambling, harassment of passersby, prostitution, sale of stolen merchandise, illegal parking, traffic violations, theft, assaults, batteries;
  - ii. Illegal sale, manufacture, storing, possession, distribution of alcoholic beverages; or,
  - iii. Police detention, citation, and/or arrests for these or any other unlawful activity attributed to the sale and/or consumption of alcoholic beverages declared by the city to be a public nuisance.

This conditional use permit may also be revoked as provided in City Code Sections 106-148 and 106-183. If at any time the operation of the business and/or the sale of alcoholic beverages in conjunction therewith becomes a nuisance, is detrimental to the public health, safety, or welfare, or results in undesirable activities creating an increased demand for law enforcement activities including an above normal rate of calls for service to the City Police Department, the Planning and Preservation Commission, after a public hearing, as hereinafter provided, may revoke the conditional use permit herein granted or may modify and amend the same in such manner as it may determine necessary to abate the nuisance or preclude the undesirable activities or behaviors, which have generated the increased demand for law enforcement services.

14) Trash Enclosure. All trash bins shall be kept free of trash overflow and maintained in a clean manner at all times. Litter and trash receptacles shall be located at convenient locations both inside and outside the establishment, and trash and debris shall be removed on a daily basis.



- 15) Property Maintenance. The project site at and its immediate surrounding area shall be maintained in a clean, neat and orderly manner at all times and shall comply with the property maintenance standards as set forth in the San Fernando City Code.
- 16) Graffiti Removal. Unless otherwise specified in the conditions of approval, the property owner(s), operator and all successors shall comply with the graffiti removal and deterrence requirements of the San Fernando City Code.
- 17) Site Inspections. The community development department shall inspect the site to assure compliance with these conditions of approval. The restaurant operator and all successors shall grant the right of access to authorized agents of the City of San Fernando to conduct periodic inspections of the property.
- 18) General Compliance. The applicant shall comply with all requirements of applicable Federal, State, or local law, ordinance, or regulation.
- 19) Modifications. Unless the chief planning official deems a proposed change to the approved plans and operation a minor modification, any and all other modifications to the development plan, including these conditions of approval, shall require review and approval by the Planning and Preservation Commission. Expansion or enlargement of the business premises over the life of the structure or the use shall be subject to the CUP modification approval process.
- 20) Acceptance. Within thirty (30) days of approval of Conditional Use Permit 2016-008, the drug store/pharmacy operator(s) or their duly authorized representatives shall certify the acceptance of the conditions of approval by signing a statement using an acceptance affidavit form provided by the City of San Fernando Community Development Department that acknowledges acceptance of and commitment to adhere to all of the conditions of approval.
- 21) Recordation. The applicant shall provide the Community Development Department with proof that these Conditions of Approval included as Exhibit "A" of Planning and Preservation Commission Resolution 2017-002 have been recorded with the Los Angeles Registrar Recorder/County Clerk's Office.
- 22) Public Review of Conditions of Approval. A copy of these conditions of approval shall be retained on-site at all times during the hours of operation of the business and shall be made available for viewing upon public request or upon request by any city official and representative of ABC. Employees of the business shall not prohibit a request of the public to view the conditions of approval for this entitlement.
- 23) Expiration. Conditional Use Permit 2017-001 shall become null and void unless exercised by initiating substantive action to implement the operation permitted by this entitlement within twelve (12) months of final approval; or until such additional time as may be granted by the Community Development Department upon receipt of a request for an extension received prior to such expiration date. Subsequent failure to obtain and exercise an active business occupancy permit shall also cause expiration of the conditional use permit.





## CONDITIONAL USE PERMIT APPLICATION

PROJECT INFORMATION			
SITE ADDRESS(ES) 227 N Maclay Ave., San Fernando, CA 91340 + (229 N MACLAY AVE)			
ASSESSORS PARCEL NUMBER(S) "APN" 2520-026-012, -013, -014, & 015			
LOT SIZE 225' x 132.5' (29,812.5sf)	EXISTING BUILDING (SQUARE FOOTAGE) 1,007sf (unit with the current CUP) + 1,211sf (additional lease space) = 2,218sf. also 626sf of patio space		
PROPOSED ADDITION (SQUARE FOOTAGE) NA	TOTAL PARKING SPACES (ON-SITE/OFF-SITE) 62 onsite and 16 on street		
PROPOSED USE(S) Bona-fide eating establishment	LANDSCAPING (SQUARE FOOTAGE) None within the lease space or the dedicated patio dining area.		
PROJECT DESCRIPTION/TYPE OF CONDITIONAL USE PERMIT REQUEST <i>Include any additional information on separate sheet and attach to the back of this application</i>  Seeking modification of the existing CUP for onsite sale of alcohol at a bona-fide eating establishment to allow for the expansion into the former barbershop space and the second floor area. Also seeking to be allowed to serve alcohol in designated patio areas. The ability to serve full liquor is being sought for all areas. The hours of operation being sought are 10:00am through 12:00am seven days a week, with the ability to close the courtyard for special events 12 times a year with amplified sound with 10 days notice.			
APPLICANT INFORMATION			
APPLICANT NAME Cesar S. Garcia		PHONE NUMBER (818) 518-7591	
MAILING ADDRESS P.O. Box 921954, Sylmar, CA 91392			
FAX NUMBER	EMAIL ADDRESS papajuansfishtacos@yahoo.com	SIGNATURE 	
PROPERTY OWNER INFORMATION			
PROPERTY OWNER NAME Library Plaza Partners, LLC		PHONE NUMBER 618-270-9070	
MAILING ADDRESS 601 S Brand Blvd, 3rd Floor, San Fernando, CA 91340			
FAX NUMBER	EMAIL ADDRESS adriana@aszkenazy.com	SIGNATURE 	
FOR OFFICE USE ONLY			
CUP APPLICATION \$ 3,005.00	ZONE (Downtown Dist) / SP-4 (City Center Sub-Dist) / SP-4	GENERAL PLAN AREA	FILE NUMBER
AIMS SURCHARGE \$ 300.50	DATE FILED 1/23/17		CUP NO. 2017-001
ENVIRONMENTAL \$ 204.00	ACCEPTED BY H. Quintana		AIMS NO. PL1710396
NOTIFICATION \$ 120.00			CROSS REFERENCE
PUBLISHING \$ 600.00			SPR NO.
TOTAL FEE \$4,229.50			VAR NO.
COMMENTS SP-4: 2.1(B) 106-141 et. seq.			OTHER





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**NOTICE OF A  
PUBLIC HEARING**  
**THE CITY OF SAN FERNANDO PLANNING AND PRESERVATION COMMISSION**

A public hearing on this matter and associated potential environmental impacts, if any, will be conducted by the City of San Fernando Planning and Preservation Commission on:

**DATE:** Tuesday, February 7, 2017

**TIME:** 6:30 p.m.

**HEARING LOCATION:** City Hall Council Chambers, 117 Macneil Street, San Fernando, CA 91340

**PROJECT LOCATION:** 227 & 229 North Maclay Avenue, San Fernando, CA 91340  
(Los Angeles County Assessor's Parcel No(s): 2520-026-012, 013, 014, 015)

**APPLICATION:** Conditional Use Permit 2017-001 (Amendment to CUP 2013-01)

**PROJECT PROPONENT:** Cesar S. Garcia  
P.O. Box 921954, Sylmar, CA 91392

**PROJECT DESCRIPTION:**

The proposed project is a request for review and approval of a Conditional Use Permit (CUP) 2017-001, amending CUP 2013-01, in order to allow an existing bona fide eating establishment with existing ancillary sale of alcoholic beverages, including beer, wine, and distilled spirits, for consumption onsite ("on-sale general – eating place"), to allow the following: expansion of restaurant into adjacent tenant space (229 N. Maclay Ave.); allow for the sale and consumption of alcohol within a designated outdoor dining area; provide outdoor live entertainment within designated stage area from 10:00am – 10:00pm; and, allow up to twelve (12) special events per calendar year with associated alcohol sales and consumption within the entire commercial center courtyard area (per ABC rules) located at 227 & 229 North Maclay. The requested CUP would allow for the applicant to apply for a Type 47 alcohol license with the California Department of Alcoholic Beverage Control. The existing restaurant occupies an approximate 1,427 square-foot tenant space. The project will facilitate expansion into the adjacent two-story approximately 1,209 square foot tenant space (229 N. Maclay Ave.) and will utilize an approximate 626 square foot designated outdoor dining area located within the existing commercial center courtyard. The subject property is an approximate 29,812.5 square feet site. The subject property is located at the west side of the 200 block of North Maclay Avenue, between Second Street and Third Street. In addition, the project site is within the Downtown District – City Center Sub-District of the San Fernando Corridors Specific Plan (SP-4) Zone.

This project has been reviewed for compliance with the California Environmental Quality Act (CEQA). Based on that assessment, the project has been determined to be Categorically Exempt under Class 32 (Infill Development) of the City's adopted local CEQA Guidelines.

**If you wish to challenge the action taken on this matter 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 City of San Fernando at, or prior to, the public hearing.**

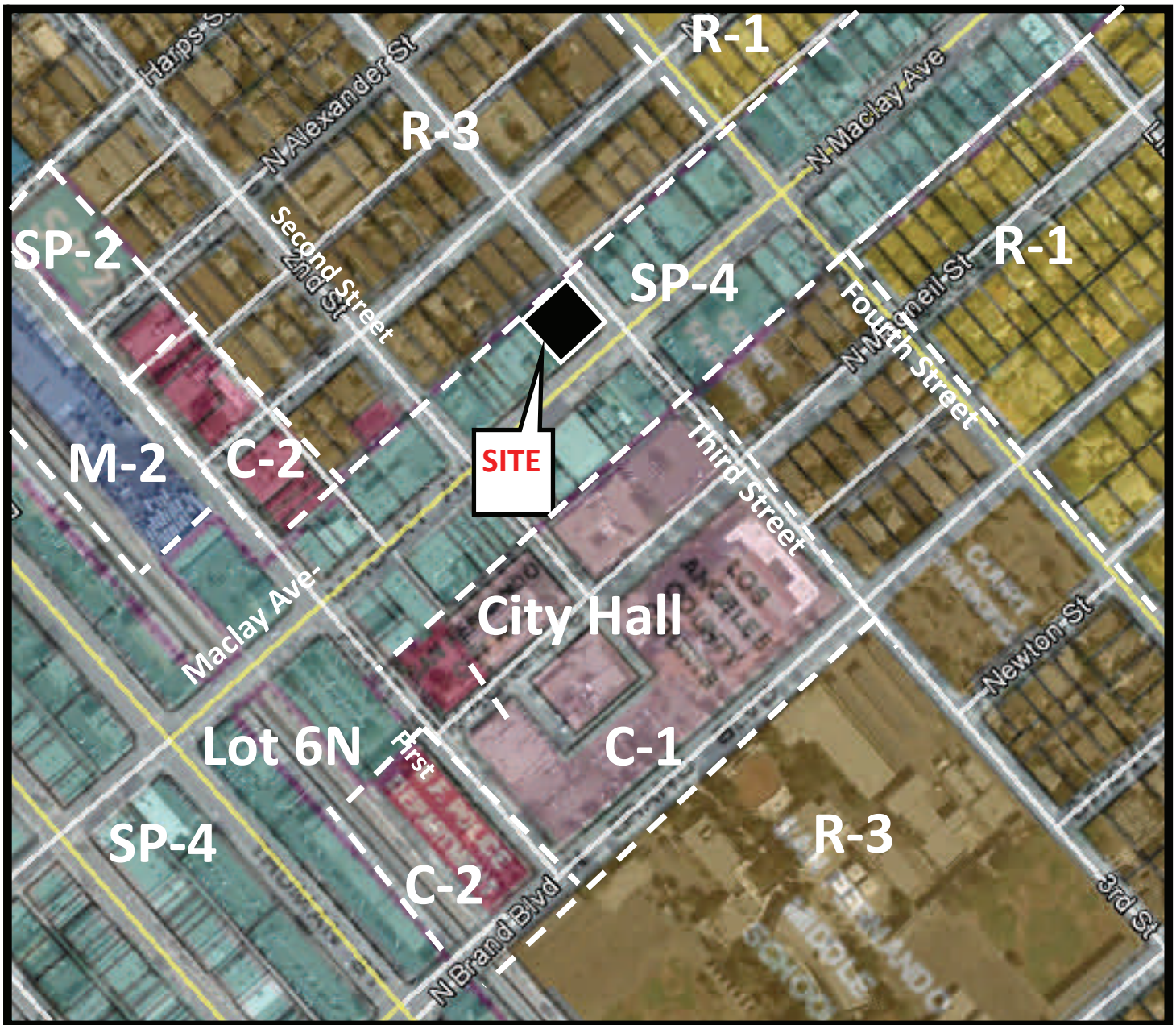
For further information regarding this proposal, please contact Community Development Director Federico "Fred" Ramirez at (818) 898-1227 or by written correspondence to: City of San Fernando, Community Development Department, 117 Macneil Street, San Fernando, CA 91340-2993.

---

**FEDERICO "FRED" RAMIREZ**  
Community Development Director



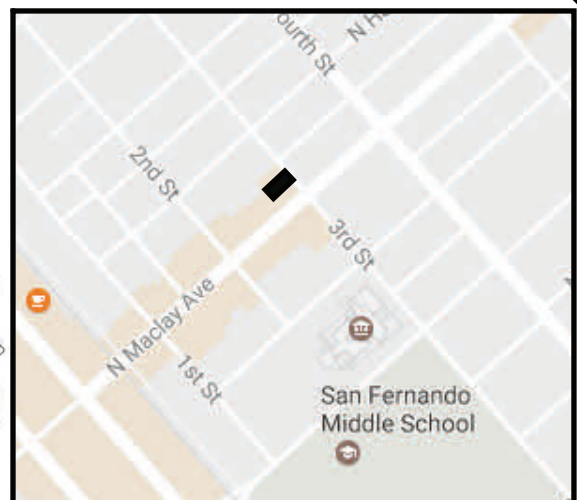




## Zoning & Vicinity Map

CASE NO: CUP 2017-001

ADDRESS: 227 - 229 N. Maclay Avenue



Scale: NTS







View of Library Plaza looking West from N. Maclay Avenue



View of Parking Annex looking South from Third Street



## Subject Site Photos

CASE NO: CUP 2017-001

ADDRESS: 227 - 229 N. Maclay Avenue





View of 227 N. Maclay Avenue from the interior of the courtyard



View of 227 -229 N. Maclay Avenue from the interior of the courtyard



## Subject Site Photos

CASE NO: CUP 2017-001

ADDRESS: 227 - 229 N. Maclay Avenue



View of 227 –229 N. Maclay Avenue from the interior of the courtyard



View of 227 –229 N. Maclay Avenue from the rear alley

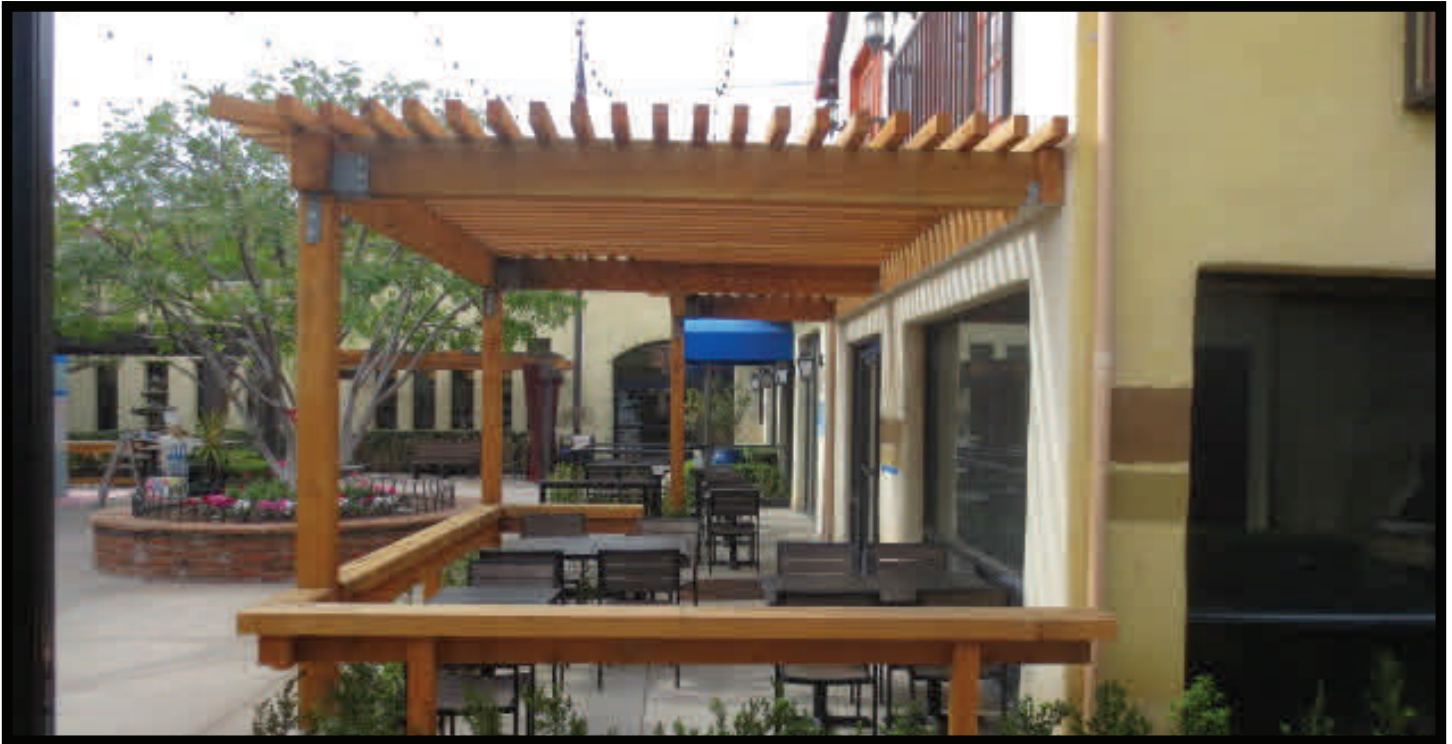


## Subject Site Photos

CASE NO: CUP 2017-001

ADDRESS: 227 - 229 N. Maclay Avenue





View outdoor designated patio area



View of outdoor flex dining area



## Subject Site Photos

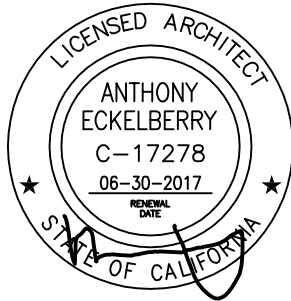
CASE NO: CUP 2017-001

ADDRESS: 227 - 229 N. Maclay Avenue

ARCHITECTURAL DESIGN  
STUDIO, INC.  
ANTHONY ECKELBERRY, ARCHITECT  
4535 GAINSBOROUGH AVENUE  
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CONSULTANTS

REGISTRATION



PROJECT

PAPA JUAN  
RESTAURANT  
227 N. MACLAY AVENUE  
SAN FERNANDO, CA

# PAPA JUAN RESTAURANT

## SAN FERNANDO, CA

CONTACT

TENANT:  
PAPA JUAN RESTAURANT  
227 N. MACALAY AVENUE  
SAN FERNANDO, CA 91340  
CESAR GARCIA  
818.518.7591

LANDLORD:  
ASZKENAY DEVELOPMENT  
601 S. BRAND BLVD. 3RD FLOOR  
SAN FERNANDO, CA 91340  
IAN FITZSIMMONS  
818.288.6067

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ANTHONY ECKELBERRY  
ARCHITECTURAL DESIGN STUDIO, INC.  
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STRUCTURAL ENGINEER:  
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10034 GLADE AVENUE  
CHATSWORTH, CA 91311  
ALBERT AVILA  
818.489.4076

FOOD SERVICE CONSULTANT:  
ROBERT ROOZE  
11081 ROSE AVENUE #23  
LOS ANGELES, CA 90034  
310.842.8301

PARKING ANALYSIS

Library Plaza Parking			
Original Parking Requirement			
Use	Square Foot	Parking Ratio	Stalls Needed
Library	8,661	1/400sf	22
Restaurant	4,358	1/300sf	15
Retail/ Service	4,254	1/300sf	15
Office	644	1/300sf	3
Retail-211 N Maclay	1,966	1/300sf	7
Library Addition	1,910	1/400sf	5
Total Parking required after Library Addition			67
Papa Juans Addition	451	1/300sf	2
Barber Shop to Restaurant is now change			
Office to Restaurant is no change			
Proposed New Configuration Parking Required			
Library	10,571	1/400sf	27
Restaurant	6,018	1/300sf	21
Retail/ Service	3,689	1/300sf	13
Retail-211 N Maclay	1,966	1/300sf	7
Total Parking Needed			69
Parking Provided after a loss of 3 spaces			
On Site			14
Parking Annex			46
On Street - N Macaly Ave			12
On Street - Third Street to Alley			5
Total Parking Provided			77

OCCUPANCY ANALYSIS

PROJECT AREAS:			
976 S.F.	EXISTING RESTAURANT TENANT IMPROVEMENT		
451 S.F.	NEW 1-STORY KITCHEN ADDITION		
565 S.F.	CONVERT BARBERSHOP TO RESTAURANT AREA		
644 S.F.	CONVERT SECOND FLOOR OFFICE TO RESTAURANT AREA		
2,636 S.F. PROJECT AREA			
523 S.F. PATIO DINING AREA			
FIRST FLOOR DINING AREA	787 S.F.		
OCCUPANCY: 787 / 15		52 OCCUPANTS	
SECOND FLOOR DINING AREA	432 S.F.		
OCCUPANCY: 432 / 15		28 OCCUPANTS	
KITCHEN & SERVICE AREA	1,417 S.F.		
OCCUPANCY: 1,417 / 200		7 OCCUPANTS	
	2,636 S.F.	87 OCCUPANTS	
PATIO AREA	523 S.F.		
OCCUPANCY: 523 / 15		35 OCCUPANTS	

SEATING TABLE			
AREA	EXISTING	PROPOSED	ADDED
INTERIOR SEATING	34	50	16
INTERIOR BAR AREA		9	9
EXTERIOR PATIO		38	

BUILDING INFORMATION

SCOPE OF WORK	* EXISTING RESTAURANT TENANT IMPROVEMENT *NEW 1-STORY KITCHEN ADDITION *CONVERT BARBERSHOP TO RESTAURANT AREA *CONVERT SECOND FLOOR OFFICE TO RESTAURANT AREA
PROJECT AREA	2,636 S.F.
OCCUPANCY	'A-2' OCCUPANCY
CONSTRUCTION TYPE	TYPE V-A
SPRINKLERS	NO
APN NUMBER:	2520-026-014 -LIBRARY AT 233 N. MACLAY
LEGAL DESCRIPTION	MACLAY'S ADDITION TO THE TOWN OF SAN FERNANDO, NE 5 FT EX OF ST OF LOT 18 AND EX OF ST LOT 19, BLOCK 9
ZONING	C5-4D
CODES USED	THIS PROJECT SHALL COMPLY WITH THE 2013: CALIFORNIA BUILDING CODE (CBC) CALIFORNIA MECHANICAL CODE (CMC) CALIFORNIA PLUMBING CODE (CPC) CALIFORNIA ELECTRICAL CODE (CEC) CALIFORNIA ENERGY CODE (CENC) CALIFORNIA GREEN BUILDING STANDARDS CODE (CGBSC).

NOTE: SEPARATE SIGN, MECHANICAL, ELECTRICAL, AND PLUMBING PERMITS ARE REQUIRED FOR THIS PROJECT.

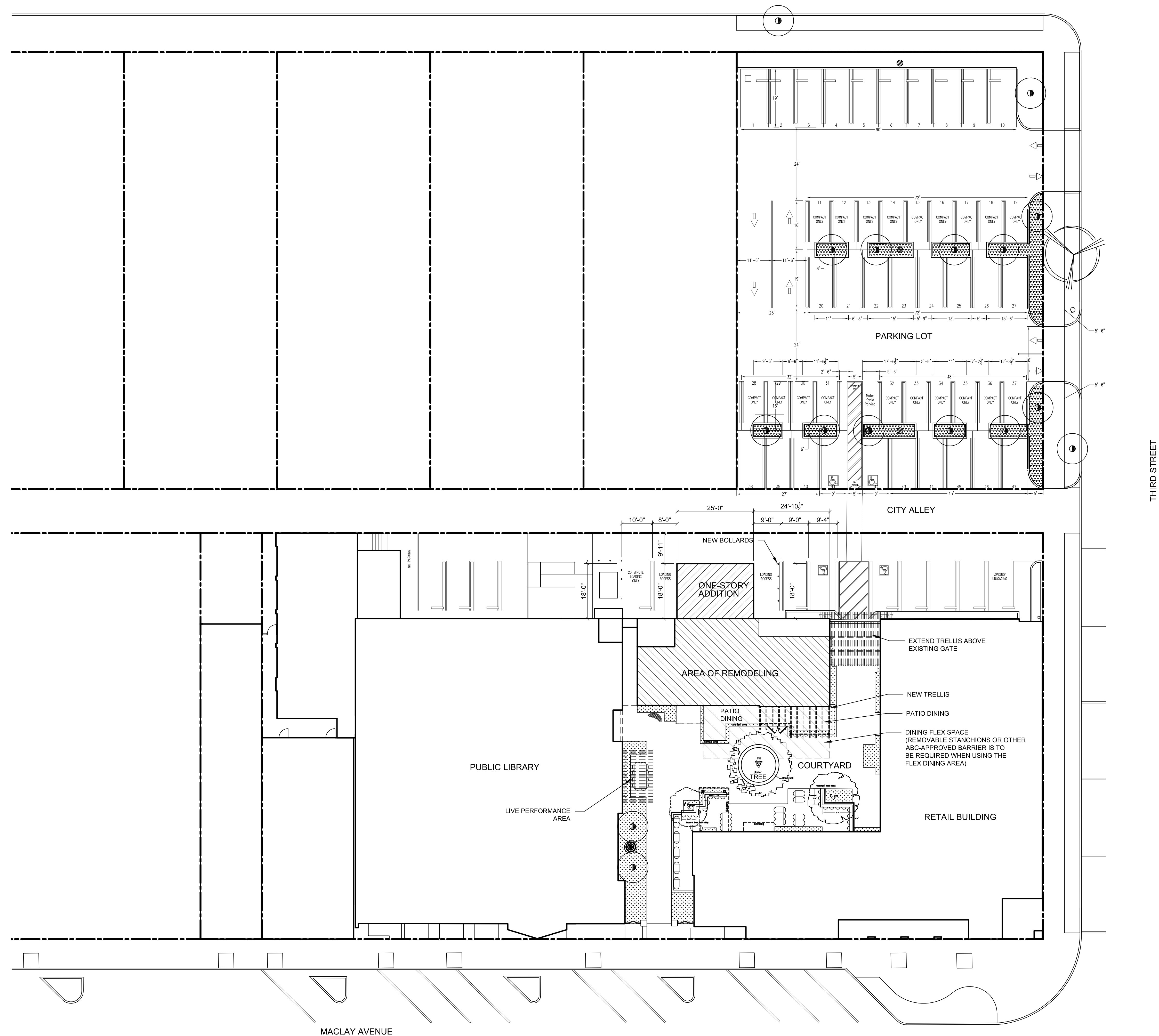
SHEET INDEX

A0.0	COVER SHEET
A0.1	SITE PLAN
A0.2	ACCESSIBILITY NOTES
A0.3	ACCESSIBILITY NOTES
A0.4	ACCESSIBILITY DETAILS
A0.5	GENERAL NOTES & DOOR SCHEDULE
A0.6	FINISH SCHEDULE
A1.0	EXISTING FIRST FLOOR PLAN
A1.1	SEATING FIRST FLOOR PLAN
A1.2	CONSTRUCTION FIRST FLOOR PLAN
A1.3	SECOND FLOOR PLAN AND ROOF PLAN
A1.4	REFLECTED CEILING PLAN AND LIGHTING PLAN
A2.1	EXTERIOR ELEVATIONS
A2.2	INTERIOR ELEVATIONS & SECTION
A2.3	BUILDING REAR ELEVATION
A5.1	DETAILS
S-1.0	STRUCTURAL GENERAL NOTES
S-1.1	SPECIAL INSPECTION
S-2.0	FOUNDATION PLAN
S-2.1	ROOF FRAMING PLAN
S-3.0	FOUNDATION DETAILS
S-4.0	FRAMING DETAILS
FS 1.0	EQUIPMENT FLOOR PLAN
FS 2.0	EQUIPMENT SCHEDULES
FS 2.1	EQUIPMENT SCHEDULES
FS 3.0	WASTE LINES ROUGH-IN PLAN
FS 3.1	WATER LINES ROUGH-IN PLAN
FS 3.2	GAS LINES ROUGH-IN PLAN
FS 4.0	ELECTRICAL ROUGH-IN PLAN
FS 5.0	EXHAUST ROUGH-IN PLAN
FS 5.1	CAPTIVEAIR HOOD DETAILS
FS 6.0	EQUIPMENT CONDUIT RUN PLAN
FS 7.0	REFRIGERATOR SLAB PLAN

SHEET TITLE

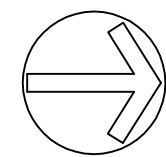
COVER SHEET

A0.0



SITE PLAN

SCALE: 1/16" = 1'-0"



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CONSULTANTS

REGISTRATION



PROJECT

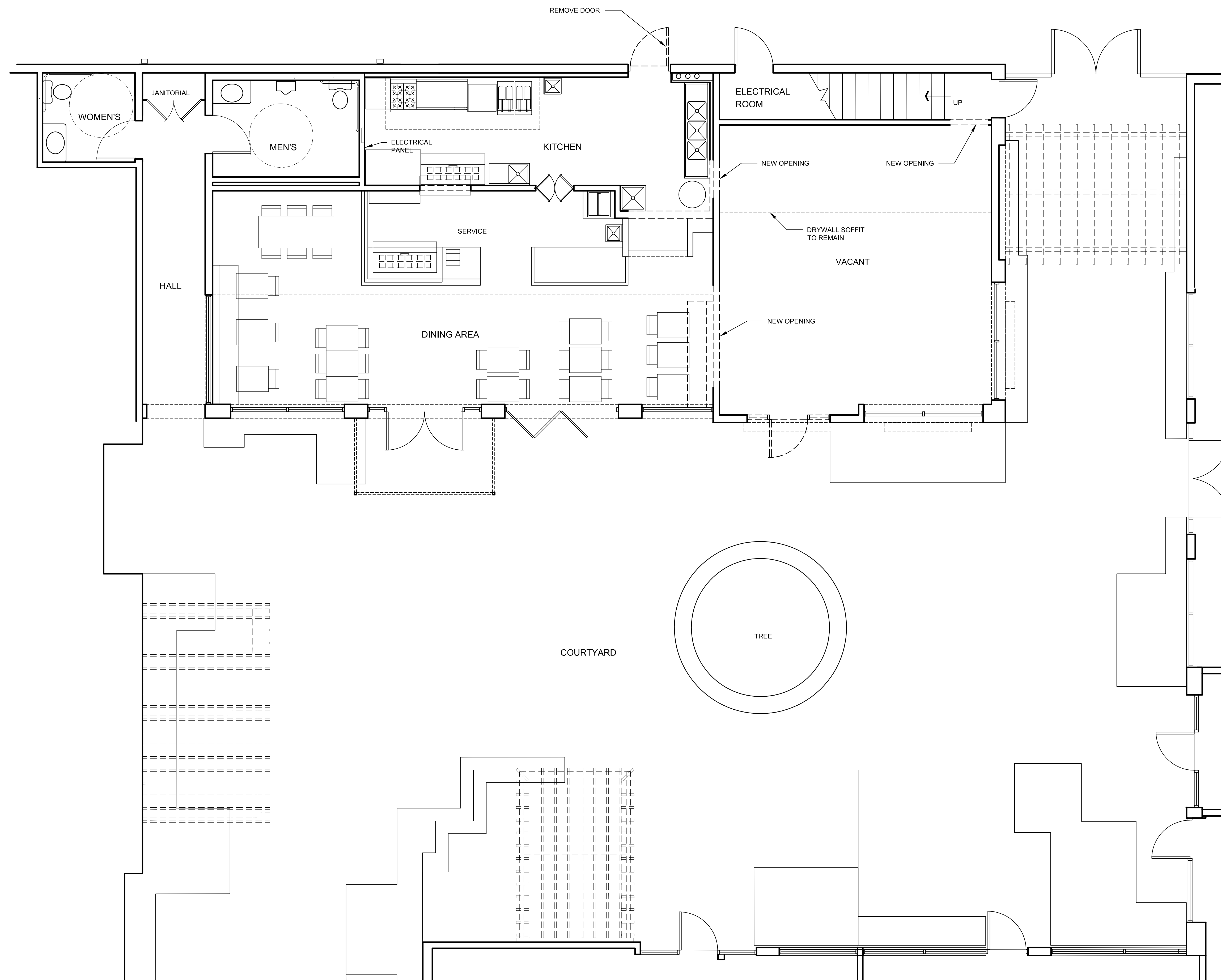
PAPA JUAN  
RESTAURANT  
227 N. MACLAY AVENUE  
SAN FERNANDO, CA

MARK	DATE	DESCRIPTION
	12/17/16	PLAN CHECK CORRECTIONS
	12/12/16	SITE WORK
	11/08/16	PLAN CHECK CORRECTIONS
	10/24/16	PLAN CHECK SUBMITTAL

PROJECT NO: 1611  
CAD DWG FILE:  
DRAWN BY:  
CHKD BY:  
DATE: 12-17-2016

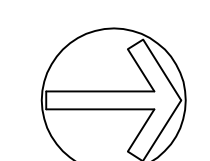
SHEET TITLE

SITE PLAN



EXISTING FIRST FLOOR PLAN

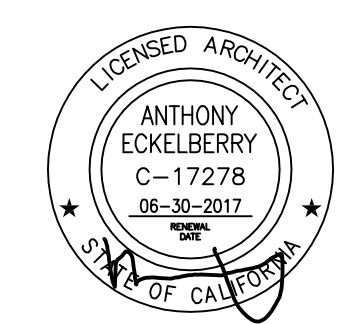
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PROJECT

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SAN FERNANDO, CA

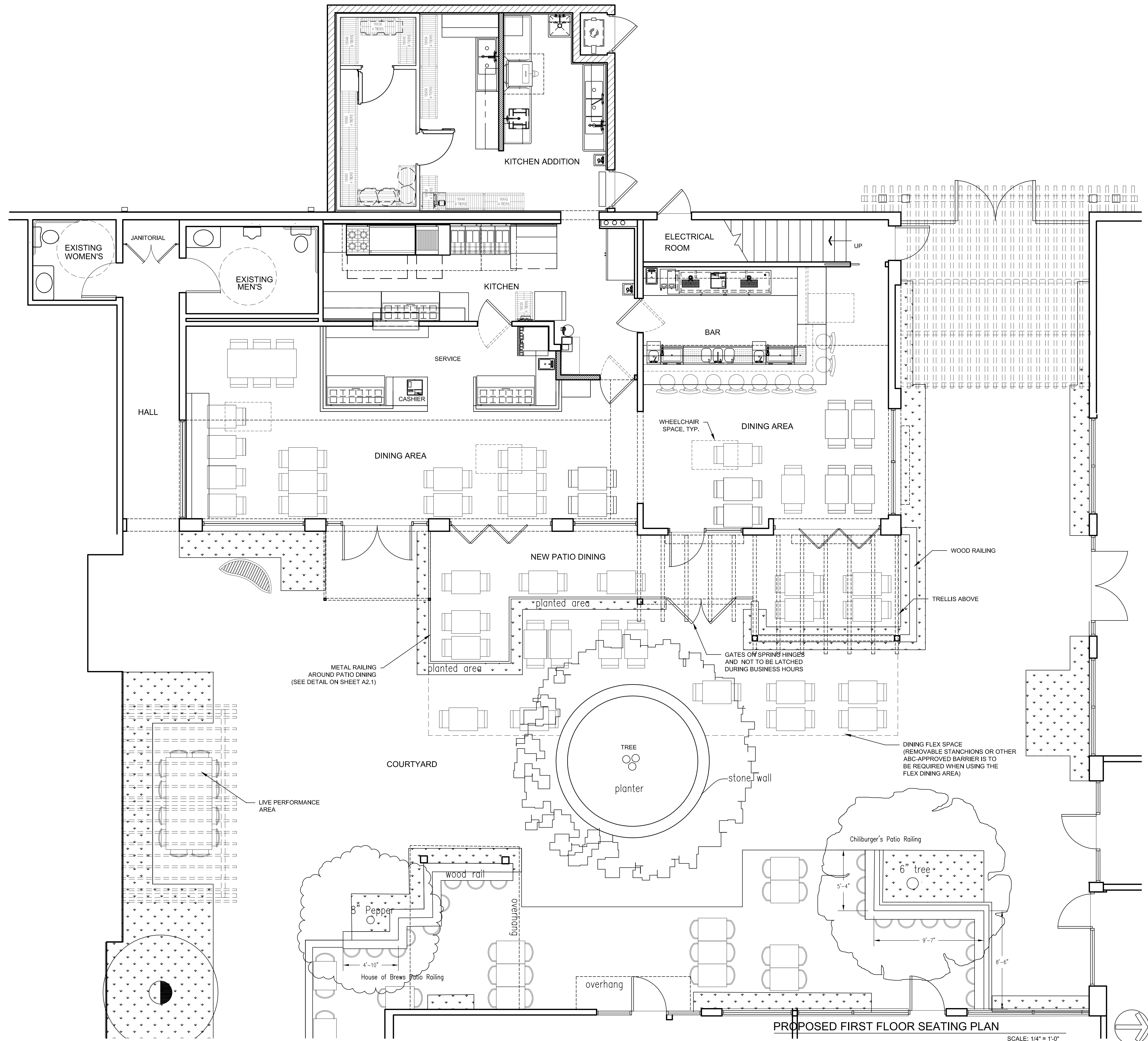
MARK	DATE	DESCRIPTION
	11/08/16	PLAN CHECK CORRECTIONS
	10/24/16	PLAN CHECK SUBMITTAL

PROJECT NO:	1611
CAD DWG FILE:	
DRAWN BY:	
CHKD BY:	
DATE:	11-08-2016

SHEET TITLE  
EXISTING FIRST  
FLOOR PLAN

A1.0

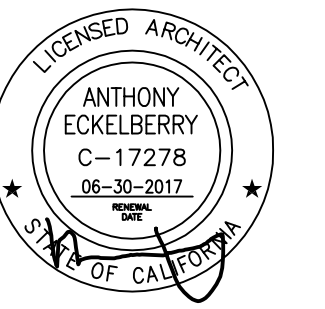




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REGISTRATION



PROJECT

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MARK	DATE	DESCRIPTION
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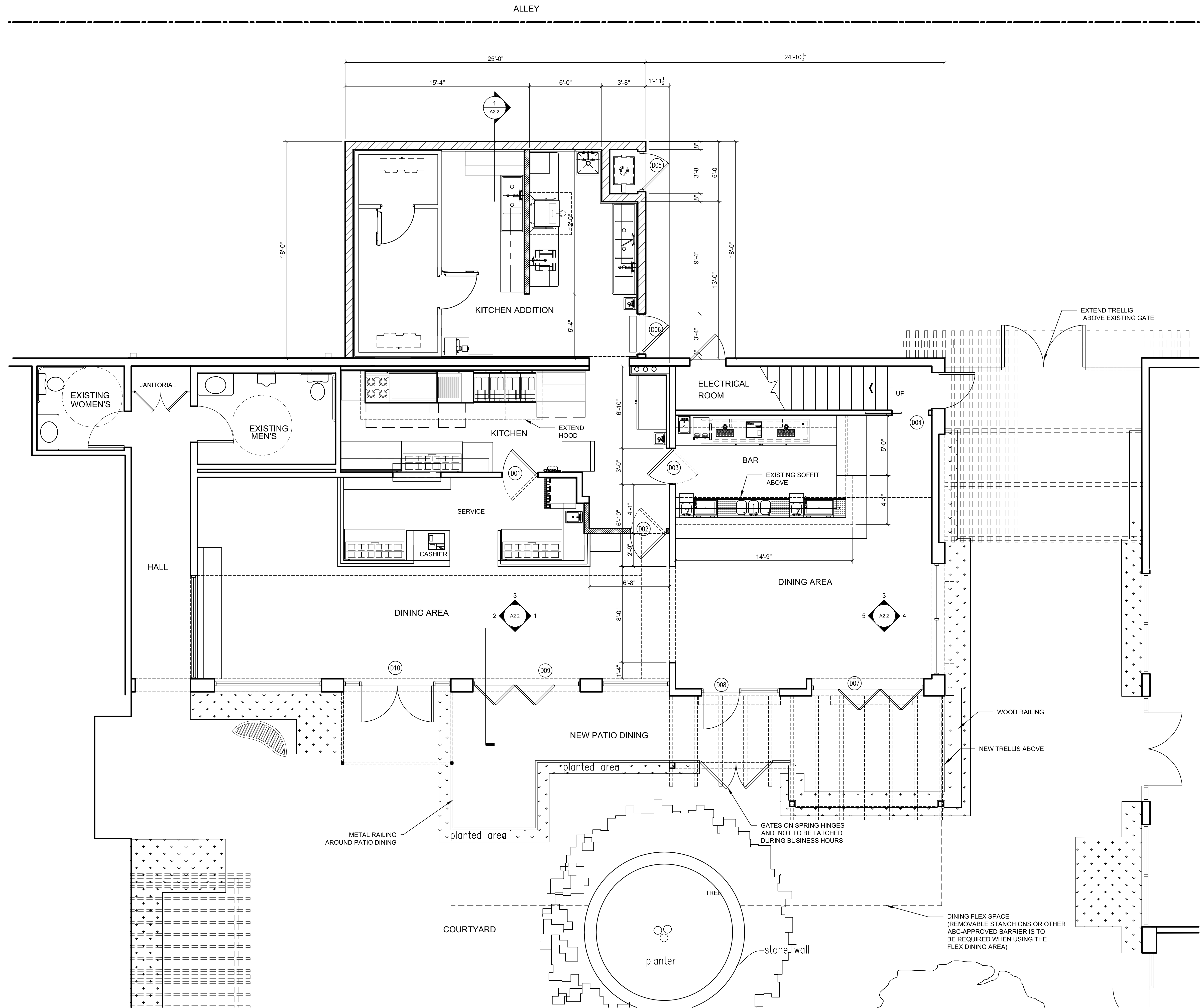
PROJECT NO: 1611  
CAD DWG FILE:  
DRAWN BY:  
CHKD BY:  
DATE: 12-17-2016

SHEET TITLE

PROPOSED FIRST  
FLOOR SEATING PLAN

A1.1



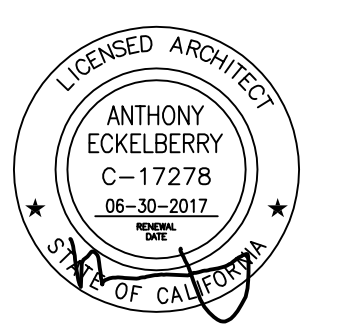


PROPOSED FIRST FLOOR CONSTRUCTION PLAN  
SCALE: 1/4" = 1'-0"

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CONSULTANTS

REGISTRATION



PROJECT

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SAN FERNANDO, CA

MARK	DATE	DESCRIPTION
	12/17/16	PLAN CHECK CORRECTIONS
	12/12/16	SITE WORK
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PROJECT NO: 1611  
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DATE: 12-17-2016

SHEET TITLE

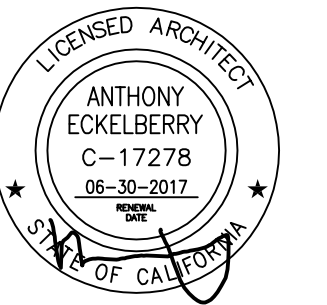
PROPOSED FIRST  
FLOOR CONSTRUCTION  
PLAN

A1.2

### A1.3

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REGISTRATION



PAPA JUAN  
RESTAURANT



SCALE: 1/4" = 1'-0"



SCALE: 1/4" = 1'-0"



SCALE: 1/4" = 1'-0"

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CAD DWG FILE:

DRAWN BY:

CHK'D BY: \_\_\_\_\_

DATE: 12-17-2016

SHEET TITLE

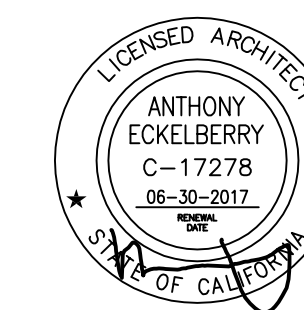
## EXTERIOR ELEVATIONS

## A2.1



ANTHONY ECKELBERRY, ARCHITECT  
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CONSULTANTS



PROJECT

227 N. MACLAY AVENUE  
SAN FERNANDO, CA

[illegible]

PROJECT NO:	1611
CAD DWG FILE:	
DRAWN BY:	.
CHK'D BY:	.
DATE:	11-08-2016

SHEET TITLE

## INTERIOR ELEVATIONS AND SECTION

## A2.2

ANTHONY ECKELBERRY, ARCHITECT  
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REGISTRATION



227 N. MACLAY AVENUE  
SAN FERNANDO, CA



SCALE: 1/8" = 1'-0"

PROJECT NO: 1611

CAD DWG FILE:

DRAWN BY:

CHK'D BY:

DATE: 12-12-2016

SHEET TITLE

BUILDING EXTERIOR  
ELEVATION AT ALLEY

### A2.3