



SAN FERNANDO

PLANNING AND PRESERVATION COMMISSION

REGULAR MEETING NOTICE AND AGENDA

APRIL 5, 2016 – 6:30 P.M.

COUNCIL CHAMBERS
117 MACNEIL STREET
SAN FERNANDO, CA 91340

CALL TO ORDER

OATH OF OFFICE

Oath of Affirmation for Anna Michelle Lopez

ROLL CALL

Chair Theale E. Haupt
Vice-Chair Alvin Durham, Jr.
Commissioner Kevin Beaulieu
Commissioner Anna Michelle Lopez
Commissioner Yvonne G. Mejia

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

April 5, 2016

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 – April 5, 2016

REQUEST TO APPROVE THE MINUTES OF MARCH 1, 2016 PLANNING AND PRESERVATION COMMISSION MEETING

NEW BUSINESS

1) REORGANIZATION OF PLANNING AND PRESERVATION COMMISSION

Nominations for Chairperson and Vice-chairperson

2) SUBJECT: CONDITIONAL USE PERMIT 2015-009 (CUP 2015-009)

**APPLICANT: EL CAMARON CAMPEON (C/O HANI MAMMO). 13737
FOOTHILL BLVD., SYLMAR, CA 91342**

PROPOSAL: THE PROPOSED PROJECT IS A REQUEST FOR REVIEW AND APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW FOR THE ON-SITE CONSUMPTION OF BEER AND WINE WITH LIVE ENTERTAINMENT AT AN EXISTING RESTAURANT (ON-SALE BEER AND WINE FOR BONA FIDE PUBLIC EATING PLACE, TYPE 41 LICENSE), AT THE PROPERTY LOCATED AT 1161 N. MACLAY AVENUE. THE EXISTING RESTAURANT OCCUPIES A TENANT SPACE OF APPROXIMATELY 2,580 SQ. FT. WITHIN A MULTI-TENANT COMMERCIAL BUILDING. THE SUBJECT PROPERTY IS LOCATED ALONG THE WEST SIDE OF THE 1100 BLOCK OF NORTH MACLAY AVENUE, BETWEEN KNOX STREET AND EIGHTH STREET; WITHIN THE MACLAY DISTRICT (NEIGHBORHOOD SERVICES OVERLAY AREAS) OF THE SAN FERNANDO CORRIDORS SPECIFIC PLAN (SP-4) ZONE.

RECOMMENDATION: STAFF RECOMMENDS THAT THE PLANNING AND PRESERVATION COMMISSION CONTINUE THE REQUEST FOR CONDITIONAL USE PERMIT 2015-009, TO ALLOW FOR THE ON-SITE CONSUMPTION OF BEER AND WINE IN CONJUNCTION WITH THE OPERATION OF “EL CAMARON CAMPEON RESTAURANT” A BONA FIDE PUBLIC EATING PLACE, EXCLUDING LIVE ENTERTAINMENT USE, LOCATED AT 1161 NORTH MACLAY AVENUE, UNIT G TO A DATE UNCERTAIN.

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

PLANNING AND PRESERVATION COMMISSION

Regular Meeting Notice and Agenda – April 5, 2016

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

COMMISSIONER COMMENTS

ADJOURNMENT

May, 3, 2016

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: (March 30, 2016, at 5:30 p.m.)

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). 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. 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.



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

**DRAFT MINUTES OF THE
MARCH 1, 2016
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

CALL TO ORDER

The meeting was called to order by at 6:30P.M.

PLEDGE OF ALLEGIANCE

Led by Theale Haupt

ROLL CALL

The following persons were recorded as present:

PRESENT:

Chairperson Theale Haupt, Vice-chair Alvin Durham, Commissioners Kevin Beaulieu, and Yvonne Mejia,

ABSENT

ALSO PRESENT

Community Development Director Fred Ramirez, Associate Planner Humberto Quintana, City Attorney Isabel Birrueta, and Community Development Secretary Michelle De Santiago

APPROVAL OF AGENDA

Vice chair A. Durham moved to approve the agenda of March 1, 2016. Seconded by Commissioner Y. Mejia, the motion carried with the following vote:

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

PLANNING AND PRESERVATION COMMISSION

Regular Meeting Minutes – March 1, 2016

Page 2 of 6

CONSENT CALENDAR

Commissioner Y. Mejia moved to approve the minutes of the February 2, 2016 Planning and Preservation Commission Meeting. Seconded by Commissioner K. Beaulieu, the motion carried with the following vote:

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

UNFINISHED BUSINESS

None

PUBLIC HEARING

CONDITIONAL USE PERMIT 2015-009 (CUP 2015-009) – EL CAMARON CAMPEON (C/O HANI MAMMO), 13737 FOOTHILL BLVD., SYLMAR, CA – THE PROPOSED PROJECT IS A REQUEST FOR REVIEW AND APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW FOR THE ON-SITE CONSUMPTION OF BEER AND WINE WITH LIVE ENTERTAINMENT AT AN EXISTING RESTAURANT (ON-SALE BEER AND WINE FOR BONA FIDE PUBLIC EATING PLACE, TYPE 41 LICENSE), AT THE PROPERTY LOCATED AT 1161 N. MACLAY AVENUE. THE EXISTING RESTAURANT OCCUPIES A TENANT SPACE OF APPROXIMATELY 2,580 SQ. FT. WITHIN A MULTI-TENANT COMMERCIAL BUILDING. THE SUBJECT PROPERTY IS LOCATED ALONG THE WEST SIDE OF THE 1100 BLOCK OF NORTH MACLAY AVENUE, BETWEEN KNOX STREET AND EIGHTH STREET; WITHIN THE MACLAY DISTRICT (NEIGHBORHOOD SERVICES OVERLAY AREAS) OF THE SAN FERNANDO CORRIDORS SPECIFIC PLAN (SP-4) ZONE.

STAFF PRESENTATION

Fred Ramirez recommended that the Planning and Preservation Commission continue the item to the next regularly scheduled meeting of April 5, 2016, to allow for additional time to work with the applicant and the property owners to address some outstanding issues. He recommended that the approval of the Agenda include the continuance of the item.

Subsequent to staff's recommendation, Vice Chair A. Durham moved to amend the approval of the Agenda of March 1, 2016 including the continuance of CUP 2015-009 to the April 5, 2016 meeting. Seconded by Commissioner Y. Mejia, the motion carried with the following vote:

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

PLANNING AND PRESERVATION COMMISSION

Regular Meeting Minutes – **March 1, 2016**

Page 3 of 6

PUBLIC HEARING

ZONE TEXT AMENDMENT 2016-001 AND CITY ORDINANCE – CITY OF SAN FERNANDO, 117 MACNEIL STREET, SAN FERNANDO, CA 91340 – CONSIDERATION OF PROPOSED ZONE TEXT AMENDMENT 2016-001 AND CITY ORDINANCE TO EXPRESSLY PROHIBIT MEDICAL CANNABIS DISPENSARIES, CULTIVATION, DELIVERIES, AND ALL COMMERCIAL CANNABIS ACTIVITIES CITYWIDE.

STAFF PRESENTATION

Fred Ramirez gave the staff report recommending that the Planning and Preservation Commission:

1. Conduct a public hearing; and
2. Subsequent to the conclusion of commission discussion, adopt the attached Planning and Preservation Commission Resolution 2016-004 (Attachment No. 1) recommending to the City Council adoption of the attached Ordinance (Exhibit “A” to Attachment No. 1) Approving Zone Text Amendment 2016-001, Amending Chapter 22 (Businesses) to expressly prohibit Medical Cannabis Dispensaries, Medical Cannabis Cultivation, Medical Cannabis Deliveries, and all Commercial Cannabis Activities in all areas of the City and finding such code amendments to be exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15030(b)(3).

PUBLIC COMMENT

Mary Mendoza – 623 S. Brand Blvd., San Fernando, CA 91340 – Ms. Mendoza read a letter that was prepared by the San Fernando Community Coalition that supports the ban on all Medical Cannabis activities in the City of San Fernando. She stated that the letter will be presented to the City Council and signatures supporting the ban are being gathered and will be presented to the City Council as well.

Martin Joseph – 920 Orange Grove Avenue – Mr. Joseph stated that research shows that Cannabis and its products have some medical uses and does provide some comfort to those patients who are suffering from illnesses. He stated that he doesn’t support it getting into the hands of children but the Medical Cannabis can be a revenue source for the City.

Eduardo Torres – 14 year resident, he stated that he came to San Fernando because of nice street and close-knit community. He stated that he is against dispensaries in San Fernando but he does understand that if there is a need to obtain Medical Cannabis the preference would be to go outside of the City limits to obtain it. He asked that the commission make the best decision to keep the dispensaries out of children’s reach.

PLANNING AND PRESERVATION COMMISSION

Regular Meeting Minutes – March 1, 2016

Page 4 of 6

Rafaela Gomez – Pacoima resident, mother of three – Ms. Gomez stated that the City of San Fernando has good schools and her children are students in San Fernando. She explained that she supports the ban of Medical Cannabis Dispensaries in San Fernando.

David Bernal – 702 Fourth Street, San Fernando, CA 91340 – Mr. Bernal stated that it was an honor and privilege to work with the Planning and Preservation Commission. He asked that the commission keep in mind the patients who are homebound and can't leave the city limits to obtain the Medical Cannabis. He stated that he supports the ban on dispensaries and is concerned with the ease of access by children to cannabis as a potential recreational use.

Christine Bernal – 702 Fourth Street, San Fernando, CA 91340 – Ms. Bernal stated that the commission should take into consideration the ordinance's impact to Cannabis for medical purposes for homebound individuals and consider allowing deliveries within the city. She noted that she did support the ban of storefronts dispensaries.

Camilo Gomez (husband of Rafaela) – Mr. Gomez stated that by allowing Medical Cannabis Dispensaries to operate in San Fernando would create problems for the city. He stated that by allowing this type of business to operate in San Fernando it would generate much needed revenue but the community would not benefit from it.

Isabel Birrueta provided some clarification about the delivery component of the Text Amendment. She stated that this Ordinance response to new State Law that requires local governments who wish to want to prevent delivery businesses to be established within the City Limits. However if a permitted Medical Cannabis business has its approvals to operate outside of the city, they can deliver to the City of San Fernando residents based on the Business and Professional Code 19388(B) and 193440(F).

T. Haupt stated that what Ms. Birrueta just clarified is different than what Fred has presented.

*[Subsequent to the March 1, 2016, Planning & Preservation Commission meeting, City Attorney Isabel Birrueta conducted further review of applicable state regulations regarding whether cannabis deliveries that originate in other jurisdictions (by operators with valid local and state permits) but that **terminate** in San Fernando are authorized for those people that are homebound. Ms. Birrueta determined that MMRSA supports Subsection (c) of Section 106–194 of the proposed ordinance prohibiting deliveries that originate **or terminate** in the City. Specifically, Business and Professions Code Section 19340(a) states: “Deliveries, as defined in this chapter, can only be made by a dispensary and in a city, county, or city and county that does not explicitly prohibit it by local ordinance.”]*

Cindy Montañez – 608 Hollister Street, San Fernando, CA 91340 – Ms. Montañez thanked staff and the City Attorney for putting together such a strong Ordinance and it could be a good model for other Cities who want to ban all Medical Cannabis activities. Questioned whether the City can ban deliveries within our city limits. She stated she encouraged the City Council to support

PLANNING AND PRESERVATION COMMISSION

Regular Meeting Minutes – March 1, 2016

Page 5 of 6

and vote in favor of the Ordinance. She thanked former Commissioner David Bernal for his service and she stated that the five members worked well together.

Lupita Camacho – Lives in Lake View Terrace – Ms. Camacho stated that she is a business owner in San Fernando and sometimes she stays late at her place of business and she is concerned that by allowing this activity it will bring crime to the City.

Jose Castillo – Real Estate Broker – Mr. Castillo is an advocate for family. He stated that by allowing this type of business it going to adversely affect property values and quality of life. He stated he supports the ban.

COMMISSION DISCUSSION

K. Beaulieu stated that it is obvious that Medical Cannabis does provide some medical benefits, however, the Commission's decision is for the benefit of the City. He stated that the City might be in a different position if this is placed on the November ballot.

Y. Mejia stated that she echoes Commissioner Beaulieu's comments and further noted that she does understand the need of individuals to have access to medical cannabis. She noted that she did support the zone text amendment to ban all commercial cannabis activities within the city limits.

A. Durham stated that it is an important subject and if we need to adjust pending the voting outcome.

T. Haupt stated that he hopes that Ms. Bernal concerns with delivery had been answered and at this point he doesn't have a problem with the proposed ordinance as it is written.

Isabel Birrueta recommended that the City Attorney's office add a section that has to do with deliveries. Additionally the definition of Caregiver is defined as Business and Profession's Code and it should be Health and Safety Code. The definition of Qualifying Patient should be defined as Health and Safety Code.

Subsequent to discussion Commissioner Y. Mejia moved to adopt Planning and Preservation Commission Resolution 2016-004 recommending to the City Council adoption of attached Ordinance approving Zone Text Amendment 2016-001, amending Chapter 106 (Zoning) and, Chapter 22 (Businesses) to expressly prohibit medical cannabis dispensaries, medical cannabis cultivation, medical cannabis deliveries, and all commercial cannabis activities in all areas of the City and finding such code amendments to be exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA guidelines section 15030(B)(3) including the friendly amendments of "Caregiver and Qualifying Patient" definitions and the added language to the Ordinance explaining any potential "allowed deliveries" under applicable state regulations. Seconded by Vice Chair A. Durham, the motion carried with the following vote:

PLANNING AND PRESERVATION COMMISSION

Regular Meeting Minutes – March 1, 2016

Page 6 of 6

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

STAFF COMMUNICATIONS

Fred thanked former Commissioner Bernal for his work on the Planning and Preservation Commission. He stated that he hopes that he will continue to be involved in the community.

COMMISSION COMMENTS

All Commissioners expressed their appreciation of Mr. Bernal's time and input while a Commissioner.

PUBLIC STATEMENTS

None

ADJOURNMENT

Commissioner Chairperson T. Haupt moved to adjourn to April 5, 2016. Second by Commissioner K. Beaulieu, the motion carried with the following vote:

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

7:28 P.M.

Fred Ramirez

Planning Commission Secretary



MEETING DATE: April 5, 2016

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 Continue:

“I move to continue Conditional Use Permit 2015-009, to allow for the on-site consumption of beer and wine with live entertainment at an existing restaurant (on-Sale Beer and Wine for bona Fide Public Eating Place, Type 41 License), at the property located at 1161 N. Maclay Avenue, Unit G, to a date uncertain...” (Roll Call Vote)

Moved:_____

Seconded:_____

Roll Call:_____

ITEM 2:

CONDITIONAL USE PERMIT 2015-009



AGENDA REPORT

To: Planning and Preservation Commission Chairperson Haupt and Commissioners

From: Fred Ramirez, Community Development Director
Prepared by: Humberto Quintana, Associate Planner

Date: April 5, 2016

Subject: **Conditional Use Permit 2015-09 - Continued from March 1, 2016**
1161 North Maclay Avenue, Unit G, San Fernando, CA 91340
(Los Angeles County Assessor's Parcel No.: 2516-019-024)

Proposal: The proposed project is a request for review and approval of a conditional use permit to allow for the on-site consumption of beer and wine with live entertainment at an existing restaurant (On-Sale Beer and Wine for Bona Fide Public Eating Place, Type 41 License), at the property located at 1161 N. Maclay Avenue, Unit G. The existing restaurant occupies a tenant space of approximately 2,580 sq. ft. within a multi-tenant commercial building. The subject property is located along the west side of the 1100 block of North Maclay Avenue, between Knox Street and Eighth Street; within the Maclay District (Neighborhood Services Overlay Areas) of the San Fernando Corridors Specific Plan (SP-4) Zone.

APPLICANT: El Camaron Campeon (c/o Hani Mammo), 13737 Foothill Boulevard, Sylmar, CA 91342.

RECOMMENDATION:

City Planning Staff recommends that the Planning and Preservation Commission continue the request for Conditional Use Permit 2015-009, to allow for the on-site consumption of beer and wine in conjunction with the operation of "El Camaron Campeon Restaurant" a bona fide public eating place, excluding live entertainment use, located at 1161 North Maclay Avenue, Unit G to a date uncertain.

PROJECT OVERVIEW:

On October 6, 2015, the City received an application for a Conditional Use Permit (CUP) that seeks City approval to allow for the on-site consumption of beer and wine (On-Sale Beer and Wine for Bona Fide Public Eating Place, Type 41 License), including limited live entertainment on Fridays, Saturdays and Sundays, between 12pm. – 9pm., ancillary to the operation of El

Camaron Campeon Restaurant, a bona fide public eating place located at 1161 North Maclay Avenue, Unit G.

On February 17, 2016, the public hearing notice was posted at two City Hall bulletins and notices of this hearing were mailed to all property owners of record within 500 feet of the subject site. A notice was also published in the February 18, 2016, print and online legal advertisement section of the Los Angeles Daily News (Attachment 3). In addition, public notices were posted at the library and the subject site.

On February 29, 2016, Mrs. Irma Romo co-owner of the property 1161 N. Maclay Avenue informed City Planning Staff that she was recently notified via the City's public notification process that a CUP for the on-site sale and consumption of alcoholic beverages in conjunction with the operation of a bona fide public eating place was being considered by the City's Planning and Preservation Commission on March 1, 2016. Mrs. Romo informed City staff that although she had signed the lease allowing operation of a restaurant at 1161 N. Maclay Avenue by the CUP applicant Mr. Hani Mammo, she had not signed the current CUP application for the sale of alcoholic beverages at the subject site and was opposed to the application moving forward. City Planning Staff informed Mrs. Romo that in light of this new information, City Planning Staff would be requesting a continuance on the item from the commission in order to allow additional time for discussion between both property owners and the business owner of El Camaron Campeon Restaurant in order to facilitate a possible resolution to the current status of the CUP Application.

The reason for the initial continuance is due to an outstanding property owner signature from Ms. Irma Romo (Owner of 50% interest in the property at 1161 N. Maclay Avenue) for the subject property for which the CUP Application has been submitted. The current CUP application only has the signature of Mr. David Romo, which holds the other 50% interest in the subject property. In light of the information, the current CUP Application for on-site sale and consumption of alcohol in conjunction with the operation of a bona fide public eating place at 1161 N. Maclay Avenue is incomplete. In order for the CUP application to be deemed complete and ready for commission consideration, the CUP application needs to include the signatures from both property owners with equal interest and therefore authority over the ongoing use of the subject site.

On March 1, 2016 the commission approved City Planning Staff's request to continue Planning and Preservation Commission Item # 2; CUP 2016-09 to the next regularly scheduled Planning and Preservation Commission Meeting of April 5, 2016.

Since the March 1, 2016, City Planning Staff has been in communication with Mrs. Romo and Mr. Mammo (business owner/CUP applicant) in an effort to facilitate resolution to the outstanding status of the CUP application for the on-site sale of alcoholic beverages in

conjunction with the operation of El Camaron Campeon Restaurant at 1161 N. Maclay Avenue, Unit G.

As of date, staff has not received notification from both property owners and the business owner of El Cameron Campeon Restaurant that an agreement had been reached regarding the outstanding signature from Mrs. Romo.

CONCLUSION:

In light of the forgoing incomplete status of the CUP application, it is City Planning Staff's recommendation that the Planning and Preservation Commission's continue the CUP request for on-site consumption of alcoholic beverage ancillary to the operation of El Camaron Campeon Restaurant. City Planning Staff's recommendation is the CUP request be continued to a future Planning and Preservation Commission meeting, at a yet to be determined date, in order to allow the business owner/CUP applicant additional time to obtain all signatures necessary to constitute a complete application.

ATTACHMENT:

1. March 1, 2016 Planning and Preservation Commission Staff Report



AGENDA REPORT

To: Planning and Preservation Commission Chairperson Haupt and Commissioners

From: Fred Ramirez, Community Development Director
Prepared by: Humberto Quintana, Associate Planner

Date: March 1, 2016

Subject: **Conditional Use Permit 2015-09**
1161 North Maclay Avenue, Unit G, San Fernando, CA 91340
(Los Angeles County Assessor's Parcel No.: 2516-019-024)

Proposal: The proposed project is a request for review and approval of a conditional use permit to allow for the on-site consumption of beer and wine with live entertainment at an existing restaurant (On-Sale Beer and Wine for Bona Fide Public Eating Place, Type 41 License), at the property located at 1161 N. Maclay Avenue, Unit G. The existing restaurant occupies a tenant space of approximately 2,580 sq. ft. within a multi-tenant commercial building. The subject property is located along the west side of the 1100 block of North Maclay Avenue, between Knox Street and Eighth Street; within the Maclay District (Neighborhood Services Overlay Areas) of the San Fernando Corridors Specific Plan (SP-4) Zone.

APPLICANT: El Camaron Campeon (c/o Hani Mammo), 13737 Foothill Boulevard, Sylmar, CA 91342.

RECOMMENDATION:

Staff recommends that the Planning and Preservation Commission deny the request for live entertainment and approve Conditional Use Permit 2015-009, to allow for the on-site consumption of beer and wine in conjunction with the operation of "El Camaron Campeon Restaurant" a bona fide public eating place, excluding live entertainment use, located at 1161 North Maclay Avenue, Unit G, pursuant to Planning and Preservation Commission Resolution 2016-003 and the conditions of approval attached as Exhibit "A" to the resolution (Attachment No. 1).

PROJECT OVERVIEW:

On October 6, 2015, the City received an application (Attachment No. 2) for a Conditional Use Permit (CUP) that seeks City approval to allow for the on-site consumption of beer and wine (On-Sale Beer and Wine for Bona Fide Public Eating Place, Type 41 License), including limited

live entertainment on Fridays, Saturdays and Sundays, between 12pm. – 9pm., ancillary to the operation of El Camaron Campeon Restaurant, a bona fide public eating place located at 1161 North Maclay Avenue, Unit G. El Camaron Campeon Restaurant is an existing restaurant located at 1161 North Maclay Avenue, Unit G (Los Angeles County Assessor's Parcel No's.: 2516-019-024). The subject site is approximately 20,977.70 sq. ft. and is improved with an approximate 8,959 sq. ft. multi-tenant commercial building. The existing restaurant occupies a tenant space of approximately 2,580 sq. ft. within the multi-tenant commercial building and was previously operated as Tacos El Oso Restaurant. The subject property is located along the west side of the 1100 block of North Maclay Avenue, between Knox Street and Eighth Street; within the Maclay District (Neighborhood Services Overlay Areas) of the San Fernando Corridors Specific Plan (SP-4) Zone.

Parking for the subject site is provided by 44 off-street parking spaces. In addition, public parking accessible to the restaurant is located on-street north of the property located along Eighth Street, to the east of the property located on Maclay Avenue and to the south of the property located along Knox Street. In total, ten (10) on-street parking spaces are adjacent to the existing restaurant site (A site plan of the project site is provided as Attachment No. 6 to this staff report.)

The requested on-site consumption of alcohol in conjunction with the operation of a bona fide public eating place would be allowed with the City's Planning and Preservation Commission's approval of the requested CUP pursuant to City Code Sections 106-145 and 106-176, et al. Pursuant to Section 106-176, et al., alcoholic beverages are allowed subject to the review and approval of a conditional use permit by the Commission 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.)

Furthermore, the request for live entertainment in conjunction with the operation of a bona fide public eating place potentially could be allowed with the City's Planning and Preservation Commission's approval of the requested CUP pursuant to Section 2.2 D of the Development Standards of the Maclay District (Neighborhood Services Overlay Areas) of the San Fernando Corridors Specific Plan. Per Section 2.2 D, the Planning and Preservation Commission must deem the proposed live entertainment use similar and compatible to uses that meet the purpose and intent of the Maclay District and of the San Fernando Corridors Specific Plan.

Based on the review of the requested CUP, it is staff's assessment that the proposed restaurant would qualify for the Commission's consideration of a CUP to allow for the ancillary sale and on-site consumption of alcoholic beverages, excluding live entertainment use. 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 1161 North Maclay Avenue is within the Maclay District (Neighborhood Services Overlay) of the SP-4 (Corridors Specific Plan). The subject site has a City General Plan SP-4 land use designation of SP-4 and a zoning designation of SP-4 (Corridors Specific Plan).
2. Site Location and Description: El Camaron Campeon Restaurant is an approximately 2,580-square-foot restaurant located at 1161 North Maclay Avenue. The subject site is located on the easterly portion of the 1100 block of North Maclay Avenue, between Knox Street and Eighth Street (Los Angeles County Assessor's Parcel No.: 2516-019-024). Parking for the restaurant is provided by 44 off-street parking spaces. In addition, additional parking is provided through on-street spaces north of the property located along Eighth Street, to the east of the property located on Maclay Avenue and to the south of the property located along Knox Street. In total, ten (10) on-street parking spaces are adjacent to the existing restaurant.
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 Planning and Preservation Commission's assessment that this project proposal qualifies for a Categorical Exemption under Class 1 (Existing Facilities) of San Fernando's CEQA Guidelines in that the proposed approval of a conditional use permit for the on-site sale and consumption of alcoholic beverages in conjunction with the ongoing operation of an existing restaurant (El Camaron Campeon Restaurant) will involve minor interior alterations (i.e., tenant improvement work) and minor exterior alterations (i.e., new signage, painting, window tinting) to an existing private commercial facility.
4. Legal Notification: On February 17, 2016, the public hearing notice was posted at two City Hall bulletins and notices of this hearing were mailed to all property owners of record within 500 feet of the subject site. A notice was also published in the February 18, 2016, print and online legal advertisement section of the Los Angeles Daily News (Attachment 3). In addition, public notices were posted at the library and the subject 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 on-site consumption of alcohol ancillary to the operation of a bona fide public eating place is consistent with the following goals and objectives of the San Fernando General Plan Land Use Element by:

- ✓ Retaining the small town character of San Fernando;
- ✓ Promoting economic viability of commercial areas;
- ✓ Maintaining an identity that is distinct from surrounding communities; and,
- ✓ Attracting new commercial activities, particularly within the downtown area.

(San Fernando General Plan Land Use Element Goals I-IV, Pg. IV-6)

The requested CUP to allow for the on-site consumption of alcohol in conjunction with the operation of El Camaron Campeon Restaurant, a bona fide public eating place at 1161 N. Maclay Avenue, Unit G, would allow for a customary service to be provided to patrons with meals, promoting the economic viability of the district and enhancing the dining experience. Permitting the ability for a restaurant 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, helping to create and maintain identity within the district that is distinct from surrounding communities.

2. Zoning Consistency. Pursuant to City Section 106-176, et al. the requested CUP for the on-site consumption of alcohol ancillary to the operation of a bona fide public eating establishment is a conditionally permitted use. The provisions in the Maclay District note that on-site sale of alcoholic beverages at the subject site is subject to the Commission's 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 (Purpose) of the development standards for the Maclay District, the purpose of the City's Neighborhood Serving Overlay is to "provide convenience shopping and services for neighborhoods." The requested CUP to allow the on-site consumption of alcoholic beverages ancillary to the operation of a proposed bona fide public eating place would allow for El Camaron Campeon Restaurant to provide services customary of other similar eating establishments. Permitting the ability for a restaurant in the Maclay District 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. Based on the foregoing, it is staff's assessment that the CUP request excluding the approval of live entertainment is consistent with all applicable development standards for the Maclay District.

3. 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-site sale of alcoholic beverages.
4. State Provisions for Issuance of Alcohol Licenses. Pursuant to Business and Professions Code Section 23958, State law requires the California Department of Alcohol Beverage Control ("ABC") to deny an alcohol license application if the proposed site is located within a 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)).

The existing restaurant is located within Census Tract No. 3201 and has a published total population of 7,144 residents as of the 2010 United States Census. There are a total of six (6) alcohol licenses consisting of three (3) on-sale and three (3) off-sale alcohol licenses within the census tract.

A review of City and ABC records indicates that there are three (3) on-sale alcohol outlets (one (1) on-sale alcohol outlet for every 2,381 residents) within Census Tract No. 3201. The population in Los Angeles County is 9,818,605, with ABC records showing that a total of 11,839 on-sale alcohol licenses are active countywide. The ratio of on-sale licenses to population in Los Angeles County is one license for every 829.34 residents. The addition of one additional alcohol license to Census Tract 3201 would result in one license for every 1,786 residents. Even with the inclusion of a new on-sale license for El Camaron Campeon Restaurant, the ratio of on-sale licenses within Census Tract No. 3201 will still be less than the ratio for Los Angeles County. Therefore, Census Tract No. 3201 does not have an undue concentration of on-sale licenses and would therefore qualify for the issuance of an alcohol permit with ABC.

- 5. 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 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.

The requested conditional use permit to allow the on-site consumption of alcoholic beverages ancillary to the operation of a bona fide public eating place, excluding live entertainment use, is a use that is conditionally permitted within the Maclay District (City Center Sub-District) of the SP-4 (Corridors Specific Plan) zone. Pursuant to City Section 106.176 et seq., alcoholic beverages may be served 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.

The live entertainment use is not a listed conditionally permitted use. Pursuant to Section 2.2(D), the Planning and Preservation Commission must deem the proposed live entertainment use similar and compatible to uses that meet the purpose and intent of the Maclay District and of the San Fernando Corridors Specific Plan. The approval of the live entertainment component would detract from the intent and purpose of the Maclay District in that the live entertainment would not be a complimentary use to other commercial and residential uses that lie in the Maclay District and the surrounding residential neighborhood and would not be compatible with the overall intent and purpose of the Maclay District.

El Camaron Campeon Restaurant, is a bona fide public eating place that provides direct table service to patrons of the establishment. The approval of the requested CUP would allow for the restaurant to offer alcoholic beverages with meals, as is customary with other similar types of bona fide public eating place. Additionally, the site would not trigger any specific distance separation requirements from any other on-sale or off-sale alcohol outlets, as exempted for bona fide public eating places 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, excluding live entertainment use, is conditionally permitted within the subject zone and complies with all applicable sections of the City Zoning Ordinance. Thus, it is staff's assessment that this finding can be made in this case.

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

El Camaron Campeon Restaurant is an established restaurant that is a permitted use within the Maclay District (Neighborhood Services Overlay Areas) of the SP-4 (Corridors Specific Plan) Zone. The restaurant is occupying an approximate 2,580-square-foot tenant space located at 1161 North Maclay Avenue, Unit G, within the City's Corridors Specific Plan Maclay District. As provided for in Section 1 (Purpose) of the development standards for the Maclay District of the SP-4 (Corridors Specific Plan) zone, the purpose of the City's commercial corridors including the Neighborhood Services Overlay Areas is to allow for a mixture of commercial uses that "provide convenience shopping and services for neighborhoods."

The requested CUP to allow the on-site consumption of alcoholic beverages ancillary to operation of a bona fide public eating place, excluding live entertainment use, would allow for El Camaron Campeon Restaurant to provide services customary of other similar eating establishments. Permitting the ability for an established restaurant in the Maclay District 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 within the Maclay District.

Furthermore, in order to ensure the protection and preservation of surrounding neighborhoods, while fostering and promoting commercial growth in the City's Corridors Specific Plan Maclay District, the City's standard conditions for establishments requesting alcohol permits adequately 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). The project's conditions of approval ensure that any noncompliance would require corrective action from the business owner or potentially lead to revocation of its CUP. Therefore, the proposed on-site consumption of alcohol to complement the restaurant, excluding live entertainment use, would not impair the integrity and character of the City's Corridors Specific Plan Maclay District or the intent and purpose of the Maclay 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.

The existing 2,580 square foot restaurant is located within an existing 8,959-square-foot multi-tenant commercial building located within the Maclay District (Neighborhood Services Overlay Areas) of the SP-4 (Corridors Specific Plan) Zone. The project site is currently surrounded with similar commercial uses, including but not limited to: retail shops, professional offices and other service commercial uses. The range of uses established in and around the project site and permitted by the

development standards of the Maclay District encourages the establishment of a mixture of uses that promote an environment that “provide convenience shopping and services for neighborhoods.”

The project site is physically suitable for the requested CUP for sale and on-site consumption of alcoholic beverage, excluding live entertainment use that would be served along with meals to patrons. The sale and consumption of alcoholic beverages would be completely self-contained within the restaurant to prevent persons from consuming alcohol outside of the premises. 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.

The proposed CUP to allow for the ancillary sale and on-site consumption of alcohol with the operation of a bona fide public eating place at 1161 N. Maclay Avenue, Unit G, excluding live entertainment use, would be compatible with those services offered to patron of similar restaurants within the City of San Fernando. Additionally, the mixes of uses that are in close proximity to the restaurant site create an inviting environment for patrons that promote dining and entertainment type use in the district. 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.

With the adoption of the *San Fernando Corridors Specific Plan* (the “Specific Plan”) in 2005, 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 Maclay District (Neighborhood Services Overlay Areas) of the Specific Plan, the establishment of retail stores, business and personal service shops, restaurants and other similar eating establishments are 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 the Maclay District (Neighborhood Services Overlay Areas) of the SP-4 (Corridors Specific Plan) Zone.

The proposed on-sale alcohol use in conjunction with the operation of a bona fide public eating place, excluding live entertainment use, is compatible with future land uses because it promotes and implements the purposes and intent of the Specific Plan described above. The request to allow for the on-site consumption of alcoholic beverages, excluding live entertainment use, 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 Neighborhood Services Overlay Areas of the Maclay District, the types of permitted uses (including restaurants) are those that typically generate a significant amount of foot traffic.

The proposed on-sale alcohol use in conjunction with the operation of a bona fide public eating place, excluding live entertainment use, is compatible with existing land uses of the subject site and the surrounding area. The Maclay District where the existing restaurant is relocated, is in close proximity to established retail, and service commercial uses that meet the purpose of the district by helping to allow a mixture of commercial uses that “provide convenience shopping and services for neighborhoods.” (Section 1 (Purpose) of the development standards for the Maclay District, Page 94). Therefore, the requested CUP to allow for the on-site consumption of alcoholic beverages ancillary to the operation of a bona fide public eating place, excluding live entertainment use, would be compatible with the existing and future land uses within the Maclay District (Neighborhood Services Overlay Areas) 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 will continue to be adequately served by water, sanitation and public utilities. The on-site sale and consumption of beer and wine as an ancillary use in conjunction with a bona fide public eating establishment use will not adversely affect the water, sanitation and public utilities already serving the existing multi-tenant commercial building that houses the subject restaurant use. 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.**

El Camaron Campeon Restaurant, has adequate provisions for public access through the primary entrance along North Maclay Avenue. Patrons seeking to dine at the restaurant and compliment their meals with an alcoholic beverage have the ability to enter the restaurant from the primary entrance along North Maclay Avenue. Off-street parking is accessible off of North Maclay Avenue and off of Knox Street and Eighth Street through the public alley located to the west of the subject site. On-street public parking is located along North Maclay Avenue, Knox Street and Eighth Street. 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 Maclay District (Neighborhood Services Overlay Areas) of the SP-4 zone, restaurants and similar eating establishments are permitted, with the ancillary sale and on-site consumption of alcohol beverages permitted subject to the Commission's review and approval of a conditional use permit. The requested CUP for the on-site consumption of alcoholic beverages ancillary to the operation of a bona fide public eating place, excluding live entertainment use, is an appropriate and compatible use for the types of currently established and potentially permitted uses the districts allows. Approval of the CUP for on-site sale and consumption of alcoholic beverages as an ancillary use to a bona fide public eating establishment helps to encourage future commercial development. CUP approval at the subject site facilitates the expansion of services provided by restaurants in the Maclay District's Neighborhood Services Overlay Areas in a manner that helps draw new visitors to the area, create a lively commercial district of the City and further revitalize the district itself.

The requested CUP for alcoholic beverages, excluding live entertainment use, would allow for El Camaron Campeon Restaurant to augment its services by providing interested patrons the ability to order 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 establishment through the approval of a CUP for the additional service promotes investment in the City and has the potential to encourage future redevelopment of other properties with uses that meet the purpose and intent of the *San Fernando Corridors Specific Plan* and the Maclay District's Neighborhood Services Overlay Areas. Therefore, the proposed CUP for the on-site consumption of alcoholic beverages ancillary to the operation of a bona fide public eating place, excluding live entertainment use, at 1161 N. Maclay Avenue, Unit G, would be appropriate in light of an established need for the use at the subject 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 *San Fernando Corridors Specific Plan* is a component of the City's General Plan. The proposed use is consistent with the Specific Plan objective to transform the City's main corridors into attractive, livable, and economically vital districts. Within the Maclay District (Neighborhood Services Overlay Areas) of the Specific Plan, the establishment of retail stores, business and personal service shops, restaurants and other similar eating establishments are principally permitted and envisioned as desired uses. El

Camaron Campeon is a restaurant, and is thus consistent with City's General Plan objectives.

The requested permit to allow for the sale and on-site consumption of alcohol in conjunction with the operation of El Camaron Campeon Restaurant, a bona fide public eating place, excluding live entertainment use, would allow for a customary service to be provided to patrons with meals that enhances their dining experience while promoting the economic viability of the district. Permitting the ability for a restaurant in the City's commercial and mixed-use districts 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 within the city helping to maintain an identity within the area that is distinct from surrounding communities.

Furthermore, approval of the requested CUP, excluding live entertainment use, would help support existing dining and entertainment uses that reduce potential commercial vacancies and "attract new commercial activities." (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 requested CUP to allow for the on-site consumption of alcoholic beverages ancillary to the operation of the bona fide public eating place, excluding live entertainment use, would allow for the ongoing viability of a restaurant within the City. With the adoption of the recommended conditions of approval for the requested alcohol CUP, El Camaron Campeon Restaurant would be required to provide sufficient safeguards to deter public nuisance issues and protect public interest, health, safety, convenience or welfare. Noncompliance with the conditions of approval for an approved CUP for alcohol would require corrective action on behalf of the business owner and may result in revocation of the CUP. Thus, it is staff's assessment that this finding can be made in this case.

6. 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 data from the City of San Fernando Police Department for the subject property, there were a total of nineteen (19) calls for service to 1161 North Maclay Avenue, between January 1, 2013 and February 23, 2016. Of the nineteen (19) calls for service, eight (8) calls were for audible burglary alarm or burglary report, four (4) calls were for disturbances, two (2) calls were for theft, two (2) calls were for fire incidents, one (1) call was for battery (that occurred outside the city limits), one (1) call was for a parking enforcement issue and one (1) call was a follow up call for service. No calls for service from the subject property were alcohol related.

The requested conditional use permit to allow for the sale and on-site consumption of alcoholic beverages as an ancillary use to the bona fide public eating place, excluding live entertainment use, with the adoption of the recommended conditions of approval, would not encourage or intensity crime within its located reporting district. The recommended conditions of approval would address potential public nuisance issues attributed to crime, noise, loitering and other disturbances that may be associated with the sale of alcohol at the subject property located at 1161 North Maclay Avenue. Furthermore, noncompliance with the conditions of approval for the requested CUP would require enforcement action from the City to abate any public nuisance, with repeated noncompliance leading to potential revocation of the CUP. 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, El Camaron Campeon Restaurant, a bona fide public eating place, would augment the services they provide by offering the sale and on-site consumption of alcoholic beverages as an ancillary use to the 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 limited to the confines of the existing 2,580-square-foot commercial building. Failure to address public nuisances issues associated with sale, purchase, and/or consumption of alcoholic beverages would result in City abatement action, including possible revocation of the CUP for repeated noncompliance. As part of the project, no outdoor dining area would be established or is being proposed outside.

Therefore, it is staff's assessment that the conditions of approval provide sufficient safeguards for the ongoing operation of a bona fide public eating place as part of its relocation to a newly remodeled facility that includes ancillary alcoholic beverage sales

that will not adversely impact any residential use, commercial, and/or institutional uses located in 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 public eating places like El Camaron Campeon 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.

El Camaron Campeon Restaurant is located within Census Tract No. 3201 and has a total population of 7,144 residents as noted in the 2010 United States Census. Approval of an on-sale general Type 41 license for alcohol at the subject site would result in a total of seven (7) licenses in Census Tract including four (4) on-sale and three (3) off-sale alcohol licenses within the Census Tract 3201. A review of City of San Fernando and the California Department of Alcoholic Beverage Control records indicates that there are currently three (3) on-sale alcohol outlets (one (1) on-sale alcohol outlet for every 2,381 residents) within Census Tract No. 3201.

The population in Los Angeles County is 9,818,605, with ABC records showing that a total of 11,839 on-sale alcohol licenses are active countywide. The ratio of on-sale licenses to population in Los Angeles County is one license for every 829.34 residents. The addition of one (1) additional alcohol license to Census Tract 3201 would result in one license for every 1,786 residents. Even with the inclusion of a new on-sale license for El Camaron Campeon Restaurant, the ratio of on-sale licenses within Census Tract No. 3201 will still be less than the ratio for Los Angeles County. Since the ratio of on-sale licenses within Census Tract No. 3201 is less than the ratio for Los Angeles County, Census Tract No. 3201 does not have an undue concentration of on-sale licenses.

Pursuant to California Business and Professions Code Section 23958, an undue concentration also exists when 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. Data from the San Fernando Police Department groups the information available for United States Census Tract 3201 as one complete reporting area, referred to as San Fernando Police Department Track 1. Track 1 encompasses an area bounded by Hubbard Avenue to the west, Eighth Street and Foothill Boulevard to the north, Arroyo Avenue to the east and

Glenoaks Boulevard to the south. Based on the reporting data available from the San Fernando Police Department, from January 1, 2015 to February 23, 2016, 31.5 percent of all incidents reported were generated from Track 1. Based on the data, Track 1 does not have an undue concentration as it pertains to a greater number of reported crimes.

It is staff's assessment that the requested conditional use permit to allow for the sale and on-site consumption of alcoholic beverages as an ancillary use to the proposed restaurant will not be requiring a public convenience and necessity statement. Thus, it is staff's assessment that this finding can be made in this case.

CONCLUSION:

In light of the forgoing analysis, it is City Planning Staff's assessment that the Planning and Preservation Commission's approval of the CUP for on-site consumption of alcoholic beverage ancillary to the operation of El Camaron Campeon Restaurant, a bona fide public eating establishment, excluding live entertainment use, is warranted. Commission approval of the requested CUP for an On-sale Beer and Wine, Type 41 License for El Camaron Campeon Restaurant to operate at 1161 North Maclay Avenue, Unit G, would facilitate the long term viability of the restaurant while enhancing the dining experience of customers. Commission approval of the CUP would also facilitate new services that seek to draw visitors and residents to the Maclay District in a manner consistent with the General Plan's goals and objectives and the development standards and design guidelines for the Maclay District (Neighborhood Services Overlay Areas) 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 2015-009, to allow for the ancillary sale and on-site consumption of alcoholic beverages in conjunction with the operation of El Camaron Campeon Restaurant, a bona fide public eating place, excluding live entertainment use, pursuant to Planning and Preservation Commission Resolution 2016-003 and the Conditions of Approval attached as Exhibit "A" to the resolution (Attachment No. 1).

ATTACHMENTS:

1. Planning and Preservation Commission Resolution 2016-003 and Exhibit "A": Conditions of Approval
2. Conditional Use Permit Application – CUP 2015-09
3. Notice of Public Hearing Published in the *Los Angeles Daily News*
4. Zoning & Vicinity Map
5. Project Site Photos
6. Site Plan and Floor Plans

RESOLUTION NO. 2016-003**A RESOLUTION OF THE PLANNING AND PRESERVATION COMMISSION OF THE CITY OF SAN FERNANDO DENYING THE REQUEST FOR LIVE ENTERTAINMENT AND APPROVING CONDITIONAL USE PERMIT 2015-04 TO ALLOW FOR THE ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES IN CONJUNCTION WITH THE OPERATION OF “EL CAMARON CAMPEON” A BONA FIDE PUBLIC EATING PLACE, EXCLUDING LIVE ENTERTAINMENT USE, LOCATED AT 1161 NORTH MACLAY AVENUE, UNIT G.**

WHEREAS, on October, 6, 2015, an application has been filed by Hani Mammo to request review and approval of a conditional use permit to allow for the on-site consumption of alcoholic beverages with live entertainment, ancillary to the operation of “El Camaron Campeon Restaurant”, a bona fide public eating place at 1161 North Maclay Avenue, Unit G. The restaurant will occupy an approximately 2,580 sq. ft. tenant space within a multi-tenant commercial building located at 1161 North Maclay Avenue, Unit G, within the Maclay District (Neighborhood Services Overlay Areas) of the SP-4 (Corridors Specific Plan) Zone;

WHEREAS, the applicant has requested approval of a conditional use permit pursuant to City Section 106-176 et al. to allow for the sale and on-site consumption of alcoholic beverages (Type 41 License – Beer and Wine) as an ancillary use to the bona fide public eating place;

WHEREAS, the applicant has also requested approval of the requested consideration of a conditional use permit pursuant Section 2.2 D of the Development Standards of the Maclay District (Neighborhood Services Overlay Area) of the *San Fernando Corridors Specific Plan* to allow for live entertainment as an ancillary use to the bona fide public eating place;

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 1st day of March 2016.

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 Planning and Preservation Commission’s assessment that this project proposal qualifies for a Categorical Exemption under Class 1 (Existing Facilities) of San Fernando’s CEQA Guidelines in that the proposed approval of a conditional use permit for the on-site sale and consumption of alcoholic beverages in conjunction with the ongoing operation of an existing restaurant (El Camaron Campeon Restaurant) will involve minor interior alterations (i.e., tenant improvement work) and minor exterior alterations (i.e., new signage, painting, window tinting) to an existing private commercial facility;

SECTION 2: The proposed project is consistent with the objectives, policies, and general land uses and programs provided in the City's General Plan and the development standards of the *San Fernando Corridors Specific Plan*; and

SECTION 3: Pursuant to City Code Section 106-145, the Planning and Preservation Commission finds that the following findings for Conditional Use Permit 2015-09 have been justified and upheld in the affirmative because of the recommended conditions of approval regarding operating procedures governing the sale and on-site consumption of alcoholic beverages. The Planning and Preservation 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.

The requested conditional use permit to allow the on-site consumption of alcoholic beverages ancillary to the operation of a bona fide public eating place, excluding live entertainment use, is a use that is conditionally permitted within the Maclay District (City Center Sub-District) of the SP-4 (Corridors Specific Plan) zone. Pursuant to City Section 106.176 et seq., alcoholic beverages may be served 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.

The live entertainment use is not a listed conditionally permitted use. Pursuant to Section 2.2(D), the Planning and Preservation Commission must deem the proposed live entertainment use similar and compatible to uses that meet the purpose and intent of the Maclay District and of the San Fernando Corridors Specific Plan. The approval of the live entertainment component would detract from the intent and purpose of the Maclay District in that the live entertainment would not be a complimentary use to other commercial and residential uses that lie in the Maclay District and the surrounding residential neighborhood and would not be compatible with the overall intent and purpose of the Maclay District.

El Camaron Campeon Restaurant, is a bona fide public eating place that provides direct table service to patrons of the establishment. The approval of the requested CUP would allow for the restaurant to offer alcoholic beverages with meals, as is customary with other similar types of bona fide public eating place. Additionally, the site would not trigger any specific distance separation requirements from any other on-sale or off-sale alcohol outlets, as exempted for bona fide public eating places pursuant to City Code 106-179(c)(1). Therefore, the Planning and Preservation Commission concurs with staff's assessment that the proposed CUP for the ancillary sale and consumption of alcoholic beverages use, excluding live entertainment use, is conditionally permitted within the subject zone and complies with all applicable sections of the City Zoning Ordinance. Thus, it is the Planning and Preservation Commission's assessment that this finding can be made in this case.

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

El Camaron Campeon Restaurant is an established restaurant that is a permitted use within the

Maclay District (Neighborhood Services Overlay Areas) of the SP-4 (Corridors Specific Plan) Zone. The restaurant is occupying an approximate 2,580-square-foot tenant space located at 1161 North Maclay Avenue, within the City's Corridors Specific Plan Maclay District. As provided for in Section 1 (Purpose) of the development standards for the Maclay District of the SP-4 (Corridors Specific Plan) zone, the purpose of the City's commercial corridors including the Neighborhood Services Overlay Area is to allow for a mixture of commercial uses that "provide convenience shopping and services for neighborhoods."

The requested CUP to allow the on-site consumption of alcoholic beverages ancillary to operation of a bona fide public eating place, excluding live entertainment use, would allow for El Camaron Campeon Restaurant to provide services customary of other similar eating establishments. Permitting the ability for an established restaurant in the Maclay District 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 within the Maclay District.

Furthermore, in order to ensure the protection and preservation of surrounding neighborhoods, while fostering and promoting commercial growth in the City's Corridors Specific Plan Maclay District, the City's standard conditions for establishments requesting alcohol permits adequately 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). The project's conditions of approval ensure that any noncompliance would require corrective action from the business owner or potentially lead to revocation of its CUP. Therefore, the proposed on-site consumption of alcohol to complement the restaurant, excluding live entertainment use, would not impair the integrity and character of the City's Corridors Specific Plan Maclay District or the intent and purpose of the Maclay District. Thus, it is the Planning and Preservation Commission's assessment that this finding can be made.

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

The existing 2,580 square foot restaurant is located within an existing 8,959-square-foot multi-tenant commercial building located within the Maclay District (Neighborhood Services Overlay Area) of the SP-4 (Corridors Specific Plan) Zone. The project site is currently surrounded with similar commercial uses, including but not limited to: retail shops, professional offices and other service commercial uses. The range of uses established in and around the project site and permitted by the development standards of the Maclay District encourages the establishment of a mixture of uses that promote an environment that "provide convenience shopping and services for neighborhoods."

The project site is physically suitable for the requested CUP for sale and on-site consumption of alcoholic beverage, excluding live entertainment use that would be served along with meals to patrons. The sale and consumption of alcoholic beverages would be completely self-contained within the restaurant to prevent persons from consuming alcohol outside of the premises. Thus, it is the Planning and Preservation Commission's assessment that this finding can be made.

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

The proposed CUP to allow for the ancillary sale and on-site consumption of alcohol with the operation of a bona fide public eating place at 1161 N. Maclay Avenue, Unit G, excluding live entertainment use, would be compatible with those services offered to patron of similar restaurants within the City of San Fernando. Additionally, the mixes of uses that are in close proximity to the restaurant site create an inviting environment for patrons that promote dining and entertainment type use in the district. Thus, it is the Planning and Preservation Commission's assessment 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.

With the adoption of the *San Fernando Corridors Specific Plan* (the "Specific Plan") in 2005, 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 Maclay District (Neighborhood Services Overlay Areas) of the Specific Plan, the establishment of retail stores, business and personal service shops, restaurants and other similar eating establishments are 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 the Maclay District (Neighborhood Services Overlay Areas) of the SP-4 (Corridors Specific Plan) Zone.

The proposed on-sale alcohol use in conjunction with the operation of a bona fide public eating place, excluding live entertainment use, is compatible with future land uses because it promotes and implements the purposes and intent of the Specific Plan described above. The request to allow for the on-site consumption of alcoholic beverages, excluding live entertainment use, 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 Neighborhood Services Overlay Areas of the Maclay District, the types of permitted uses (including restaurants) are those that typically generate a significant amount of foot traffic.

The proposed on-sale alcohol use in conjunction with the operation of a bona fide public eating place, excluding live entertainment use, is compatible with existing land uses of the subject site and the surrounding area. The Maclay District where the existing restaurant is relocated, is in close proximity to established retail, and service commercial uses that meet the purpose of the district by helping to allow a mixture of commercial uses that "provide convenience shopping and services for neighborhoods." (Section 1 (Purpose) of the development standards for the Maclay District, Page 94). Therefore, the requested CUP to allow for the on-site consumption of alcoholic beverages ancillary to the operation of a bona fide public eating place, excluding live entertainment use, would be compatible with the existing and future land uses within the Maclay District (Neighborhood Services Overlay Areas) 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 Planning and Preservation Commission's assessment that this finding can be made in this case.

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 will continue to be adequately served by water, sanitation and public utilities. The on-site sale and consumption of beer and wine as an ancillary use in conjunction with a bona fide public eating establishment use will not adversely affect the water, sanitation and public utilities already serving the existing multi-tenant commercial building that houses the subject restaurant use. Thus, it is the Planning and Preservation Commission's assessment that this finding can be made.

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

El Camaron Campeon Restaurant, has adequate provisions for public access through the primary entrance along North Maclay Avenue. Patrons seeking to dine at the restaurant and compliment their meals with an alcoholic beverage have the ability to enter the restaurant from the primary entrance along North Maclay Avenue. Off-street parking is accessible off of North Maclay Avenue and off of Knox Street and Eighth Street through the public alley located to the west of the subject site. On-street public parking is located along North Maclay Avenue, Knox Street and Eighth Street. Thus, it is the Planning and Preservation Commission's assessment that this finding can be made in this case.

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

Within the Maclay District (Neighborhood Services Overlay Areas) of the SP-4 zone, restaurants and similar eating establishments are permitted, with the ancillary sale and on-site consumption of alcohol beverages permitted subject to the Commission's review and approval of a conditional use permit. The requested CUP for the on-site consumption of alcoholic beverages ancillary to the operation of a bona fide public eating place, excluding live entertainment use, is an appropriate and compatible use for the types of currently established and potentially permitted uses the districts allows. Approval of the CUP for on-site sale and consumption of alcoholic beverages as an ancillary use to a bona fide public eating establishment helps to encourage future commercial development. CUP approval at the subject site facilitates the expansion of services provided by restaurants in the Maclay District's Neighborhood Services Overlay Areas in a manner that helps draw new visitors to the area, create a lively commercial district of the City and further revitalize the district itself.

The requested CUP for alcoholic beverages, excluding live entertainment use, would allow for El Camaron Campeon Restaurant to augment its services by providing interested patrons the ability to order 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 establishment through the approval of a CUP for the additional service promotes investment in the City and has the potential to encourage future redevelopment of other properties with uses that meet the purpose and intent of the *San Fernando Corridors Specific Plan* and the Maclay District's Neighborhood Services Overlay Areas. Therefore, the proposed CUP for the on-site consumption of alcoholic

beverages ancillary to the operation of a bona fide public eating place, excluding live entertainment use, at 1161 N. Maclay Avenue, Unit G, would be appropriate in light of an established need for the use at the subject site. Thus, it is the Planning and Preservation Commission's assessment that this finding can be made in this case.

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

The *San Fernando Corridors Specific Plan* is a component of the City's General Plan. The proposed use is consistent with the Specific Plan objective to transform the City's main corridors into attractive, livable, and economically vital districts. Within the Maclay District (Neighborhood Services Overlay Areas) of the Specific Plan, the establishment of retail stores, business and personal service shops, restaurants and other similar eating establishments are principally permitted and envisioned as desired uses. El Camaron Campeon is a restaurant, and is thus consistent with City's General Plan objectives.

The requested permit to allow for the sale and on-site consumption of alcohol in conjunction with the operation of El Camaron Campeon Restaurant, a bona fide public eating place, excluding live entertainment use, would allow for a customary service to be provided to patrons with meals that enhances their dining experience while promoting the economic viability of the district. Permitting the ability for a restaurant in the City's commercial and mixed-use districts 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 within the city helping to maintain an identity within the area that is distinct from surrounding communities.

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

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

The requested CUP to allow for the on-site consumption of alcoholic beverages ancillary to the operation of the bona fide public eating place, excluding live entertainment use, would allow for the ongoing viability of a restaurant within the City. With the adoption of the recommended conditions of approval for the requested alcohol CUP, El Camaron Campeon Restaurant would be required to provide sufficient safeguards to deter public nuisance issues and protect public interest, health, safety, convenience or welfare. Noncompliance with the conditions of approval for an approved CUP for alcohol would require corrective action on behalf of the business owner and may result in revocation of the CUP. Thus, it is the Planning and Preservation Commission's assessment that this finding can be made in this case.

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 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 data from the City of San Fernando Police Department for the subject property, there were a total of nineteen (19) calls for service to 1161 North Maclay Avenue between January 1, 2013 and February 23, 2016. Of the nineteen (19) calls for service, eight (8) calls were for audible burglary alarm or burglary report, four (4) calls were for disturbances, two (2) calls were for theft, two (2) calls were for fire incidents, one (1) call was for battery (that occurred outside the city limits), one (1) call was for a parking enforcement issue and one (1) call was a follow up call for service. No calls for service from the subject property were alcohol related.

The requested conditional use permit to allow for the sale and on-site consumption of alcoholic beverages as an ancillary use to the bona fide public eating place, excluding live entertainment use, with the adoption of the recommended conditions of approval, would not encourage or intensify crime within its located reporting district. The recommended conditions of approval would address potential public nuisance issues attributed to crime, noise, loitering and other disturbances that may be associated with the sale of alcohol at the subject property located at 1161 North Maclay Avenue. Furthermore, noncompliance with the conditions of approval for the requested CUP would require enforcement action from the City to abate any public nuisance, with repeated noncompliance leading to potential revocation of the CUP. Thus, it is the Planning and Preservation Commission's assessment 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, El Camaron Campeon Restaurant, a bona fide public eating place, would augment the services they provide by offering the sale and on-site consumption of alcoholic beverages as an ancillary use to the 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 limited to the confines of the existing 2,580-square-foot commercial building. Failure to address public nuisances issues associated with sale, purchase, and/or consumption of alcoholic beverages would result in City abatement action, including possible revocation of the CUP for repeated noncompliance. As part of the project, no outdoor dining area would be established or is being proposed outside.

Therefore, the Planning and Preservation Commission concurs with staff's assessment that the conditions of approval provide sufficient safeguards for the ongoing operation of a bona fide public eating place as part of its relocation to a newly remodeled facility that includes ancillary alcoholic beverage sales that will not adversely impact any residential use, commercial, and/or

institutional uses located in the surrounding area. Thus, it is the Planning and Preservation Commission's assessment 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 public eating places like El Camaron Campeon 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 Planning and Preservation Commission's assessment that this finding can be made in this case.

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.

El Camaron Campeon Restaurant is located within Census Tract No. 3201 and has a total population of 7,144 residents as noted in the 2010 United States Census. Approval of an on-sale general Type 41 license for alcohol at the subject site would result in a total of seven (7) licenses in Census Tract including four (4) on-sale and three (3) off-sale alcohol licenses within the Census Tract 3201. A review of City of San Fernando and the California Department of Alcoholic Beverage Control records indicates that there are currently three (3) on-sale alcohol outlets (one (1) on-sale alcohol outlet for every 2,381 residents) within Census Tract No. 3201.

The population in Los Angeles County is 9,818,605, with ABC records showing that a total of 11,839 on-sale alcohol licenses are active countywide. The ratio of on-sale licenses to population in Los Angeles County is one license for every 829.34 residents. The addition of one (1) additional alcohol license to Census Tract 3201 would result in one license for every 1,786 residents. Even with the inclusion of a new on-sale license for El Camaron Campeon Restaurant, the ratio of on-sale licenses within Census Tract No. 3201 will still be less than the ratio for Los Angeles County. Since the ratio of on-sale licenses within Census Tract No. 3201 is less than the ratio for Los Angeles County, Census Tract No. 3201 does not have an undue concentration of on-sale licenses.

Pursuant to California Business and Professions Code Section 23958, an undue concentration also exists when 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. Data from the San Fernando Police Department groups the information available for United States Census Tract 3201 as one complete reporting area, referred to as San Fernando Police Department Track 1. Track 1 encompasses an area bounded by Hubbard Avenue to the west, Eighth Street and Foothill Boulevard to the north, Arroyo Avenue to the east and Glenoaks Boulevard to the south. Based on the reporting data available from the San Fernando Police Department, from January 1, 2015 to February 23, 2016, 31.5 percent of all incidents reported were generated from Track 1. Based on the data, Track 1 does not have an undue concentration as it pertains to a greater number of reported crimes.

The Planning and Preservation Commission concurs with staff's assessment that the requested conditional use permit to allow for the sale and on-site consumption of alcoholic beverages as an

ancillary use to the proposed restaurant will not be requiring a public convenience and necessity statement. Thus, it is the Planning and Preservation Commission's assessment that this finding can be made in this case.

BE IT FURTHER RESOLVED that based upon the foregoing, the Planning and Preservation Commission hereby approves Conditional Use Permit 2015-009, subject to the conditions of approval attached as Exhibit "A".

PASSED, APPROVED AND ADOPTED this 1st day of March 2016.

THEALE E. HAUPT, CHAIRPERSON

ATTEST:

FRED RAMIREZ, SECRETARY TO THE PLANNING
AND PRESERVATION COMMISSION

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

I, FRED 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 1st day of March 2016; and that the same was passed by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

FRED RAMIREZ, SECRETARY TO THE PLANNING AND
PRESERVATION COMMISSION

EXHIBIT “A”
CONDITIONS OF APPROVAL

PROJECT NO. : **Conditional Use Permit 2015-09**

PROJECT ADDRESS : 1161 North Maclay Avenue, Unit G, San Fernando, CA 91340
Los Angeles County Assessor’s Parcel No’s.: 2516-019-024

PROJECT DESCRIPTION : The proposed project is a request for review and approval of a Conditional Use Permit, to allow for the on-site consumption of alcoholic beverages (“on-sale beer and wine Type 41 license”) ancillary to the operation of “El Camaron Campeon,” a bona fide public eating place, excluding live entertainment, located at 1161 North Maclay Avenue, Unit G. The restaurant occupies an approximately 2,580 sq. ft. tenant space of a multi-tenant commercial building located at 1161 North Maclay Avenue, Unit G. The subject property is located along the east side of the 1100 block of North Maclay Avenue, between Knox Street and Eighth Street; within the Maclay District (Neighborhood Services Overlay Area) of the San Fernando Corridors Specific Plan (SP-4) Zone.

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 is granted for the land described in this application and any attachments thereto, as reviewed by the Planning and Preservation Commission on March 1, 2016, 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). Proof satisfactory to the chief planning official shall be annually submitted to show that the sale of 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 41 License” (On-Sale Beer and Wine– Eating Place (Restaurant)) with ABC. A Type 41 License shall authorize the sale of beer and wine for consumption on the premises where sold. Additionally, the business is required to operate and maintain the licensed premises as a bona fide public eating place, with suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises.
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

and the within the second-story dining area. 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 parking areas 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. 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 comply with city regulations and 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 of 10:00 A.M. to 11:00 P.M. Sunday through Thursday and between 10:00 A.M. and 12:00 A.M. on Friday and Saturday. 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 A.M. 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. Signage. Windows shall comply with the city's sign regulations in order to provide clear and unobstructed view of the cash register and sales area from the public right-of-way; windows shall be free of any tint and/or opaque window treatment.
9. Entertainment. No live entertainment or dancing shall be allowed within the establishment; jukebox music and televisions are permitted. Electronic games, including video games shall not be located on the premises.
10. 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 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.

11. Color Palette. The multi-tenant commercial building located at the subject site shall be painted with a consistent scheme in accordance with the approved color palette of the Maclay District – Design Guidelines.
12. Property Maintenance. The subject site 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.
13. 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.
14. 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.
15. Acceptance. Within thirty (30) days of approval of this conditional use permit, the restaurant 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 that acknowledges acceptance of and commitment to adhere to all of the conditions of approval.
16. Recordation. The applicant shall provide the community development department with proof that the conditions of approval have been recorded with the Los Angeles Registrar Recorder/County Clerk's Office.
17. 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 restaurant and shall be made available for viewing upon public request or upon request by any city official and representative of ABC. Employees of the restaurant shall not prohibit a request of the public to view the conditions of approval for this entitlement.
18. Expiration. This conditional use permit 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.

FERNANDO

CONDITIONAL USE PERMIT APPLICATION

PROJECT INFORMATION

SITE ADDRESS(ES)

1161 N. MacLay St #B SAN FERNANDO CA 91340

ASSESSORS PARCEL NUMBER(S) "APN"

2516-019-024

LOT SIZE

2,500 SQ Foot

EXISTING BUILDING (SQUARE FOOTAGE)

5,600 SQ Foot

PROPOSED ADDITION (SQUARE FOOTAGE)

NA

TOTAL PARKING SPACES (ON-SITE/OFF-SITE)

45

PROPOSED USE(S)

Beer & Wine sea food

LANDSCAPING (SQUARE FOOTAGE)

300 sq foot

PROJECT DESCRIPTION/TYPE OF CONDITIONAL USE PERMIT REQUEST Include any additional information on separate sheet and attach to the back of this application

Beer & Wine & live entertainment
sea food

Restaurant Beer & WINE license

APPLICANT INFORMATION

APPLICANT NAME

Hani Mammoo

PHONE NUMBER

(818) 642-2411

MAILING ADDRESS

13737 Foothill Blvd Sylmar CA 91342

FAX NUMBER

EMAIL ADDRESS

Hani.Mammoo@yahoo

SIGNATURE

PROPERTY OWNER INFORMATION

PROPERTY OWNER NAME

DANIEL ROMO

PHONE NUMBER

818 4069413

MAILING ADDRESS

DANIEL ROMO 904 VALLEY CREST ST
LA CANADA CA 91011

FAX NUMBER

EMAIL ADDRESS

SIGNATURE

FOR OFFICE USE ONLY

CUP APPLICATION

\$ 3,005.00

AIMS SURCHARGE

\$ 300.50

ENVIRONMENTAL

\$ 204.00

NOTIFICATION

\$ 120.00

PUBLISHING

\$ 600.00

TOTAL FEE

\$4,229.50

ZONE

Neighborhood serving
SP4 - MacLay Dist

GENERAL PLAN AREA

FILE NUMBER

DATE FILED

10/6/15

CUP NO.

CUP 2015-009

ACCEPTED BY

HC

AIMS NO.

COMMENTS

CROSS REFERENCE

SPR NO.

VAR NO.

OTHER

**PROOF OF PUBLICATION AFFIDAVIT
(2015.5 C.C.P.)**

STATE OF CALIFORNIA,
County of Los Angeles,

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the

Daily News

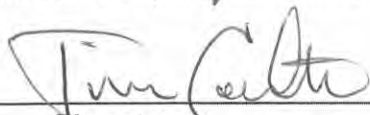
a newspaper of general circulation published 7 times weekly in the County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Los Angeles, State of California, under the date of May 26, 1983, Case Number Adjudication #C349217; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil) has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit: February 18,

all in the year 20 16.....

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Woodland Hills,

California, this 18th day of Feb., 2016.....


Signature

Proof of Publication of

Notice of A Public Hearing

(DAILY NEWS)

**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, March 1, 2016

TIME: 6:30 p.m.

HEARING LOCATION:

City Hall Council Chambers, 117 Macneil Street,
San Fernando, CA 91340

PROJECT LOCATION: 1161 N. Maclay Avenue, San Fernando, CA 91340 (Los Angeles County Assessor's Parcel No.: 2519-002-009)

APPLICATION: Conditional Use Permit 2015-009

PROJECT PROPONENT: El Camaron Campeon "c/o Hani Mammo", 1161 N. Maclay Avenue, San Fernando, CA 91340

PROJECT DESCRIPTION:

The Project is a request for the approval of a conditional use permit to allow for the on-site consumption of beer and wine and live entertainment at an existing restaurant (On-Sale Beer and Wine for Bona Fide Public Eating Place, Type 41 License), at the property located at 1161 N. Maclay Avenue. The subject property is located along the west side of the 1100 block of North Maclay Avenue, between Knox Street and Eighth Street; within the Maclay District (Neighborhood Serving Overlay) 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 1 (Existing Facilities) 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 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.

/s/ **FRED RAMIREZ**

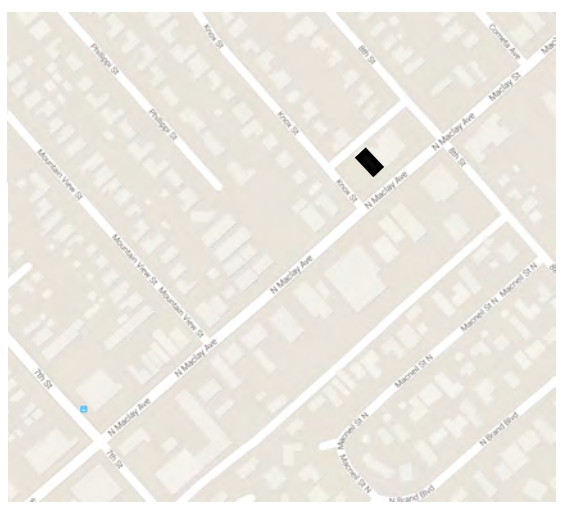
Community Development Director
Publish February 18, 2016



Zoning & Vicinity Map

CASE NO: CUP 2015-09

ADDRESS: 1161 N. Macclay Avenue



Scale: NTS



View of Subject site looking west from Maclay Avenue.



View of Subject site looking north from Knox Street.



Subject Site Photos

CASE NO: CUP 2015-09

ADDRESS: 1161 N. Maclay Avenue



View looking Northeast from subject site on Maclay Avenue.



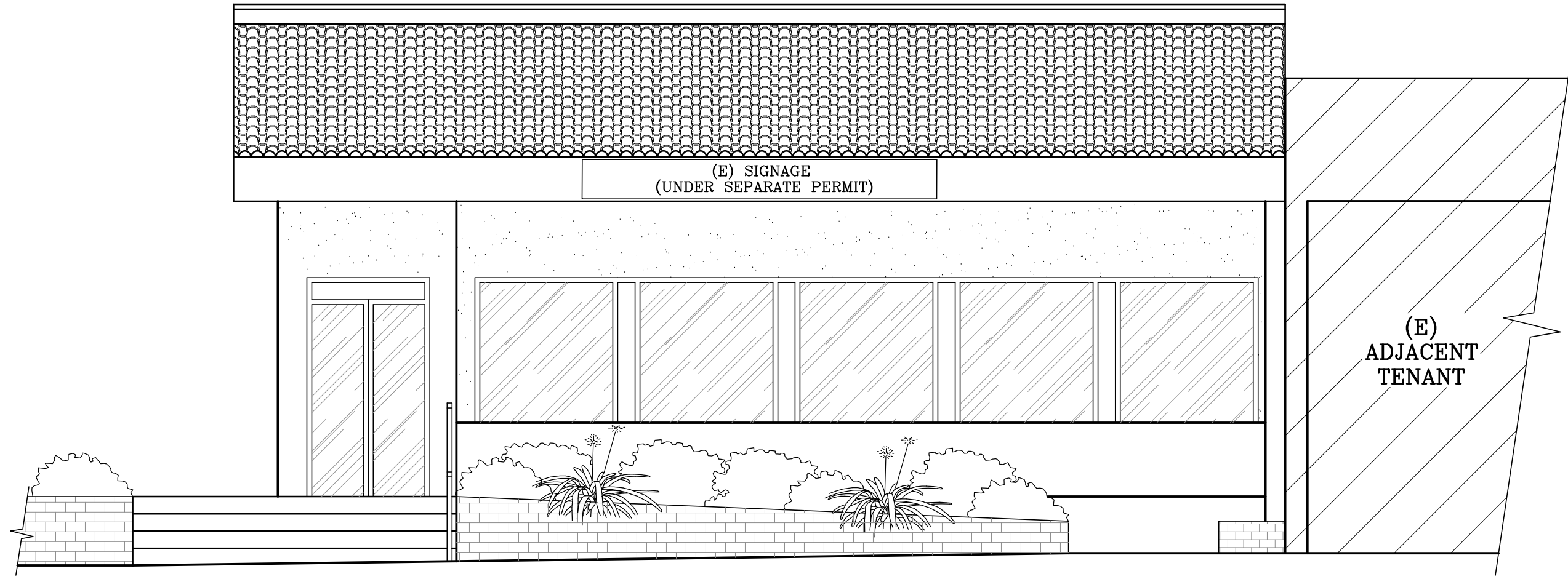
View looking south from subject site on Knox Street.



Vicinity Photos

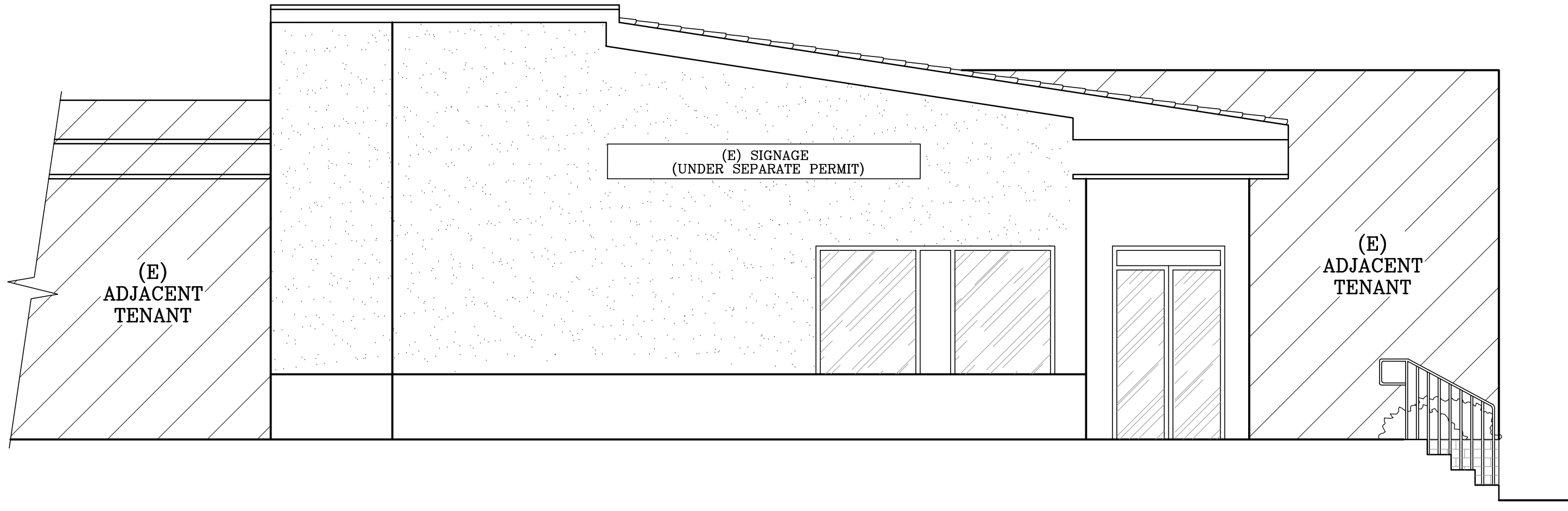
CASE NO: CUP 2015-09

ADDRESS: 1161 N. Maclay Avenue



EXISTING FRONT ELEVATION (MACLAY AVENUE)

1/4" = 1'-0"



EXISTING SIDE ELEVATION (KNOX STREET)

1/4" = 1'-0"

PROJECT DESCRIPTION:

PROJECT ADDRESS: 1161 N MacLay Avenue
San Fernando, CA 91340

LEGAL DESCRIPTION: Tract 14658 Lot 25-29

ZONE: C-1

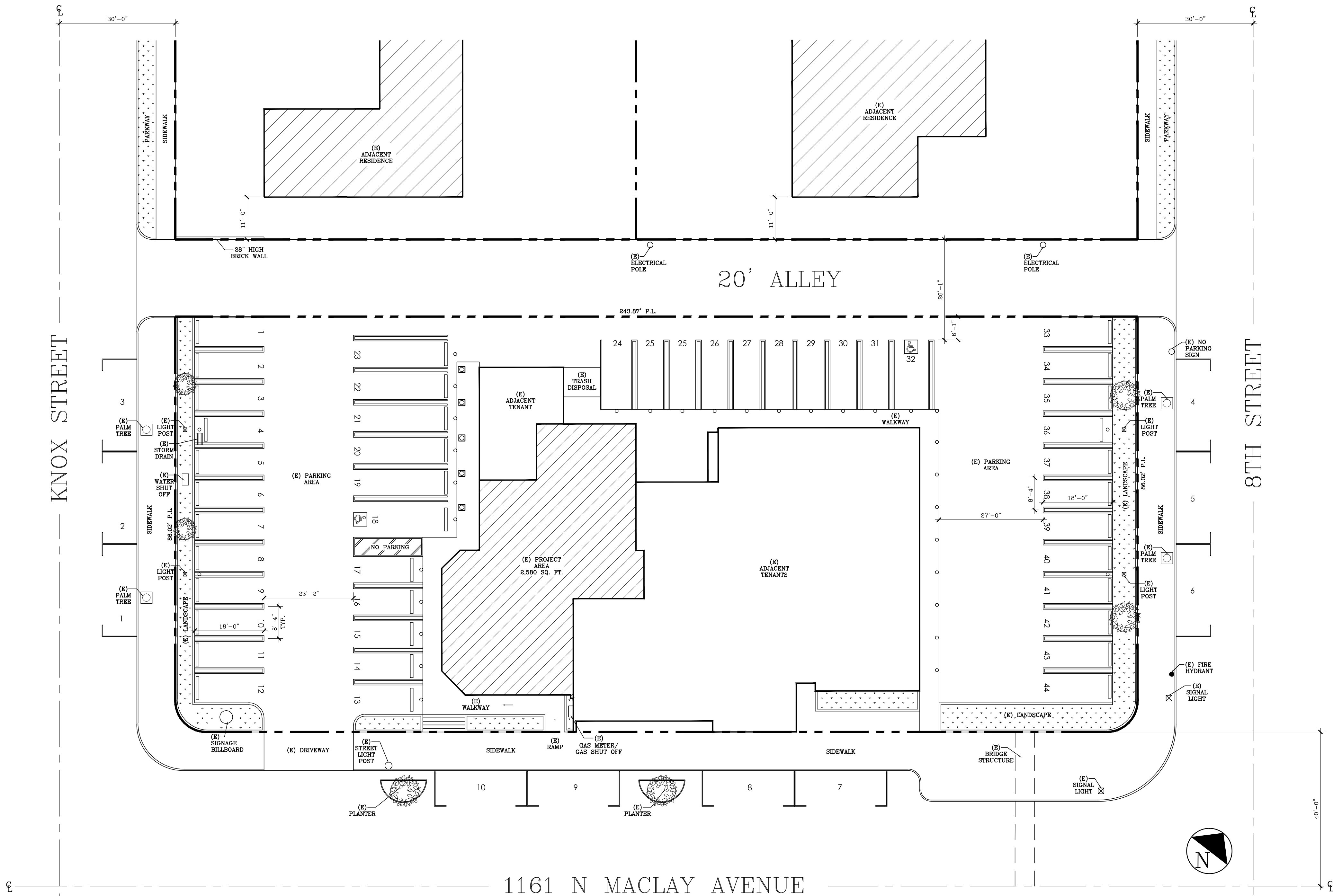
LOT SIZE: 20,977.70 sq. ft.

PROJECT AREA: 2,580 sq. ft.

PARKING SPACES PROVIDED:
ON-SITE: 44
OFF-SITE: 10

SCOPE OF WORK: CONDITIONAL USE PERMIT
FOR LIQUOR LICENSE AT
"CAMARON CAMPEON"

APN: 2516-019-024



SITE PLAN

1/16" = 1'-0"

REVISIONS

DESIGN
LAURA SALDANA
PACOMA, CA 91331
TEL: (818) 634-5300

SITE PLAN &
EXTERIOR ELEVATIONS

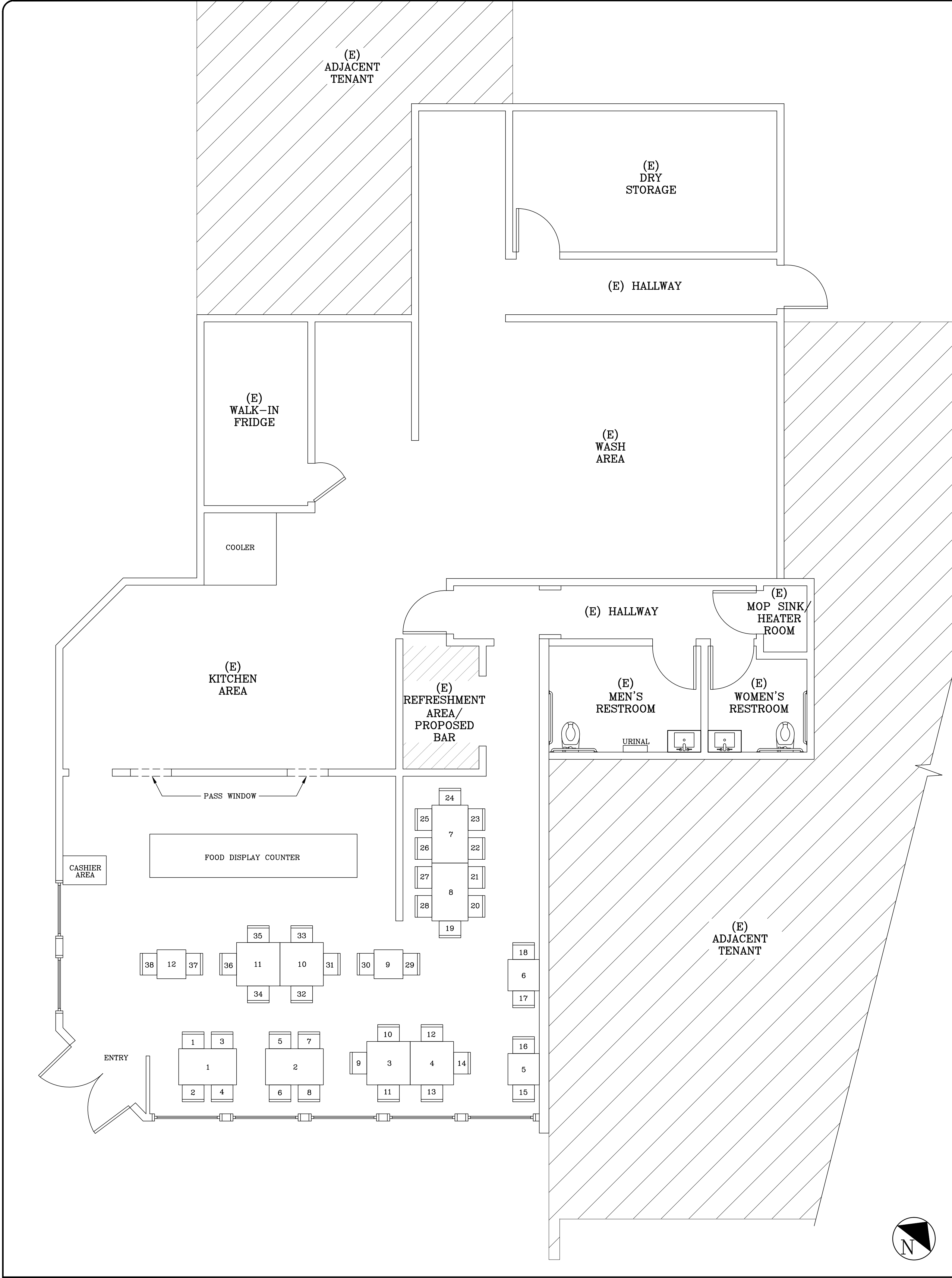
EL CAMARON CAMPEON
LIQUOR LICENSE PERMIT
1161 N MACLAY AVENUE
SAN FERNANDO, CA 91340

PERMIT #:

SIGNATURE
DATE
01/12/16
SCALE
AS NOTED
DRAWN BY
D.G./L.S.

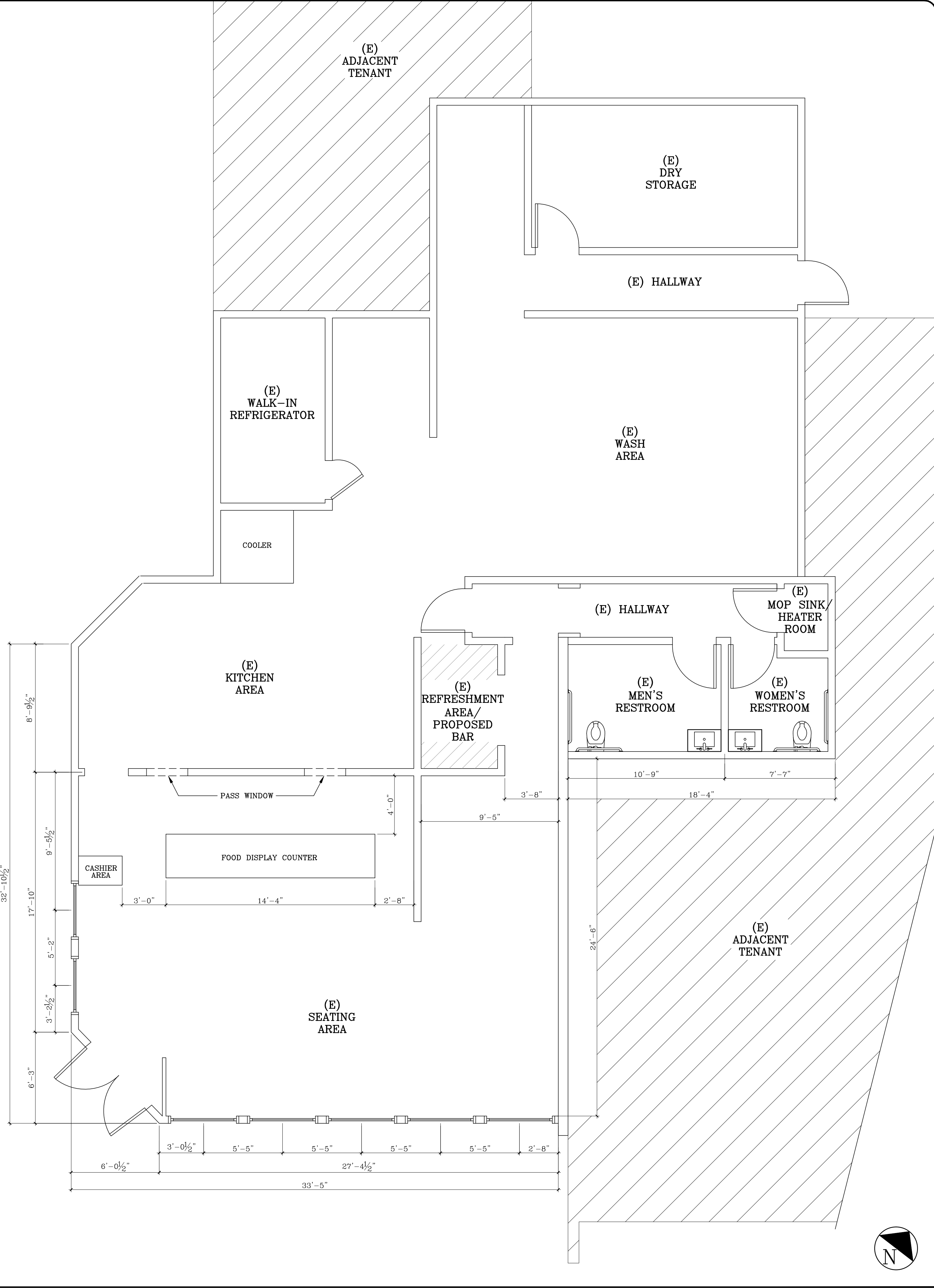
SHEET NO.

A1
1 OF 1 SHEETS



SEATING LAYOUT PLAN

1/4" = 1'-0"



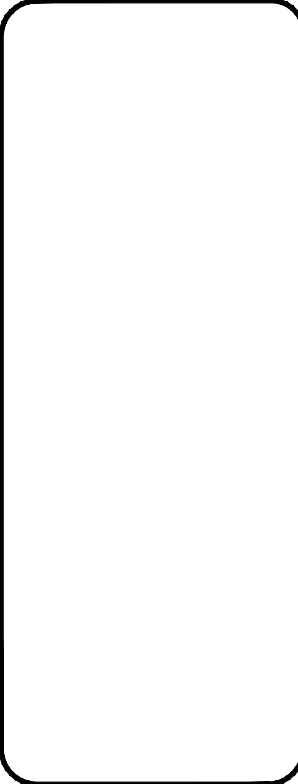
FLOOR PLAN

1/4" = 1'-0"

REVISIONS			

IS DESIGN

LAURA SALDANA
PACOMA, CA 91331
TEL: (818) 634-5300



FLOOR PLAN &
SEATING LAYOUT PLAN

EL CAMARON CAMPEON
LIQUOR LICENSE PERMIT

1161 N MACLAY AVENUE
SAN FERNANDO, CA 91340

PERMIT #:

SIGNATURE

DATE
01/12/16

SCALE
AS NOTED

DRAWN BY
D.G./L.S.

SHEET NO.

A2

1 OF 2 SHEETS