

PLANNING AND PRESERVATION COMMISSION

Regular Meeting Notice and Agenda – OCTOBER 4, 2016

- PROPOSAL:** THE PROPOSED PROJECT IS A REQUEST FOR REVIEW AND APPROVAL OF CONDITIONAL USE PERMIT (CUP) 2016-004 (AMENDING PREVIOUSLY APPROVED CUP 2013-011) IN ORDER TO ALLOW AN EXISTING BEER MANUFACTURER/MICRO-BREWERY USE TO LOCATED AT 425 PARK AVENUE, EXPAND ITS MANUFACTURING, PRODUCTION, WHOLESALE/DISTRIBUTION, AND ON-SITE SALE OF CRAFT BEER.
- RECOMMENDATION:** STAFF RECOMMENDS THAT THE PLANNING AND PRESERVATION COMMISSION APPROVE CONDITIONAL USE PERMIT 2016-004, ALLOWING AN EXISTING BEER MANUFACTURER/MICRO-BREWERY USE LOCATED AT 425 PARK AVENUE, TO EXPAND ITS MANUFACTURING, PRODUCTION, WHOLESALE/DISTRIBUTION, AND ON-SITE SALE OF CRAFT BEER ACTIVITIES, PURSUANT TO PLANNING AND PRESERVATION COMMISSION RESOLUTION 2016-010 AND THE CONDITIONS OF APPROVAL ATTACHED AS EXHIBIT "A" TO THE RESOLUTION (ATTACHMENT NO. 1).
- 2) **SUBJECT:** UPDATE REGARDING VARIOUS HOUSING TYPES AND APPLICABLE LOCAL, STATE AND FEDERAL REGULATIONS
- APPLICANT:** CITY OF SAN FERNANDO, COMMUNITY DEVELOPMENT DEPARTMENT, 117 MACNEIL STREET, SAN FERNANDO, CA 91340
- PROPOSAL:** REVIEW OF EXISTING CITY ZONING REGULATIONS RELATED TO VARIOUS HOUSING TYPES CURRENTLY PERMITTED AND CONDITIONALLY PERMITTED IN THE CITY'S ZONING CODE AND REVIEW APPLICABLE LOCAL, STATE, AND FEDERAL REGULATIONS THAT AFFECT THE CITY'S REVIEW AND PERMITTING OF SAID HOUSING TYPES.
- RECOMMENDATION:** STAFF RECOMMENDS THAT THE PLANNING AND PRESERVATION COMMISSION:
- A. REVIEW THE UPDATE REGARDING VARIOUS HOUSING TYPES AND APPLICABLE LOCAL, STATE, AND FEDERAL REGULATIONS AND PROVIDE CITY PLANNING STAFF AND THE CITY ATTORNEY WITH DIRECTION ON ANY

PLANNING AND PRESERVATION COMMISSION

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FURTHER ANALYSIS AND/OR PREPARATION OF A POSSIBLE CITY ZONING TEXT AMENDMENT; AND

B. IF DETERMINED THAT A ZONE TEXT AMENDMENT IS NEEDED, THEN ADOPT THE ATTACHED RESOLUTION OF INTENTION (ATTACHMENT NO. 1) DIRECTING CITY PLANNING STAFF AND THE CITY ATTORNEY TO BEGIN THE PREPARATION OF A DRAFT ORDINANCE AMENDING THE CITY'S ZONING ORDINANCE RELATED TO HOUSING TYPES AND APPLICABLE DEVELOPED STANDARDS.

If, in the future, you wish to challenge the items listed above in Court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Planning and Preservation Commission at, or prior to, the Public Hearing. Decisions of Planning and Preservation Commission may be appealed to the City Council within 10 days following the final action.

CONTINUED BUSINESS

None

STAFF COMMUNICATIONS

None

COMMISSIONER COMMENTS

ADJOURNMENT

November 1, 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: (6:00 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.



MEETING DATE: October 4, 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 Approve:

"I move to approve Conditional Use Permit 2016-004, allowing an existing beer manufacturer/micro-brewery use located at 425 Park Avenue, to expand its manufacturing, production, wholesale/distribution, and on-site sale of craft beer activities, pursuant to Planning and Preservation Commission Resolution 2016-010 and the Conditions of Approval attached as Exhibit "A" to the resolution (Attachment No. 1)." (Roll Call Vote)
 - b. To Deny:

"I move to Deny Conditional Use Permit 2016-004, based on the following..." (Roll Call Vote)
 - c. To Continue:

"I move to continue Conditional Use Permit 2016-004, to a date specific date..." (Roll Call Vote)

Moved: _____ Seconded: _____

Roll Call: _____

ITEM 1:

CONDITIONAL USE PERMIT 2016-004



AGENDA REPORT

To: Planning and Preservation Commission Chairperson Haupt and Commissioners

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

Date: October 4, 2016

Subject: **Conditional Use Permit 2016-004**
421 and 425 Park Avenue, San Fernando, CA 91340
(Los Angeles County Assessor's Parcel No: 2519-021-030)

Proposal: The proposed project is a request for review and approval of Conditional Use Permit (CUP) 2016-004 (amending previously approved CUP 2013-011) in order to allow an existing beer manufacturer/micro-brewery use to located at 425 Park Avenue, expand its manufacturing, production, wholesale/distribution, and on-site sale of craft beer.

The CUP amendment would allow San Fernando Street Sign Brewing Co. to: expand into the neighboring industrial space (421 Park Ave.) under their existing Type 23 ABC license; and, modify the hours and days of operation of the ancillary taproom for tastings (as permitted by ABC for craft breweries) in order to allow the brewery to be open Monday through Thursday from 11:00am to 12:00am and Friday through Sunday from 10:00am to 12:00am. As part of the CUP request, the applicant is seeking approval of the following ancillary commercial uses: the on-site staging of a food trucks or similar purveyors of food; conditionally allow minors on the premises; allow for the sale of pre-packaged foods; continue to allow for the retail sale of merchandise; provide for six (6) special events per calendar year with associated beer sales in the parking area (per ABC rules); allow beer leagues to operate; and allow pets in the taproom. The subject property is located along the east side of the 400 block of Park Avenue, between Fourth Street and Fifth Street; within the M-1 (Limited Industrial) Zone.

APPLICANT: Street Sign Brewing Co. DBA San Fernando Brewing Co., 425 Park Avenue, San Fernando, CA 91340

RECOMMENDATION:

Staff recommends that the Planning and Preservation Commission approve Conditional Use Permit 2016-004, allowing an existing beer manufacturer/micro-brewery use located at 425

Park Avenue, to expand its manufacturing, production, wholesale/distribution, and on-site sale of craft beer activities, pursuant to Planning and Preservation Commission Resolution 2016-010 and the Conditions of Approval attached as Exhibit "A" to the resolution (Attachment No. 1).

The Planning and Preservation Commission's approval of the CUP amendment would allow San Fernando Street Sign Brewing Co. to expand into the neighboring industrial space (421 Park Ave.) under their existing Type 23 ABC license and also modify the hours and days of operation of the ancillary taproom for tastings (as permitted by ABC for craft breweries) by allowing the brewery to be open Monday through Thursday from 11:00am to 12:00am and Friday through Sunday from 10:00am to 12:00am.

The approval of the CUP amendment would also allow the following ancillary commercial uses to the primary manufacturing use: the on-site staging of a food trucks or similar purveyors of food; conditionally allow minors on the premises; allow for the sale of pre-packaged foods; continue to allow for the retail sale of merchandise; provide for six (6) special events per calendar year with associated beer sales in the parking area (per ABC rules); allow beer leagues to operate; excluding pets in the taproom and beer manufacturing facility located at the subject site (421 & 425 Park Avenue).

PROJECT OVERVIEW:

On July 14, 2016, San Fernando Brewing Company (the "Applicant"), submitted a Conditional Use Permit (CUP) application to request an amendment to the previously approved CUP 2013-011 in order to allow an existing beer manufacturer/micro-brewery use to located at 425 Park Avenue to expand its manufacturing, production, wholesale/distribution, and on-site sale of craft beer activities. The CUP amendment would allow the Applicant to expand their manufacturing operation into the neighboring industrial space (an approximate 6,684 sq. ft. tenant space) located at 421 Park Avenue under their existing Type 23 ABC license. In addition, the Applicant's CUP amendment request seeks to modify the hours and days of operation of the ancillary taproom for tastings (as permitted by ABC for craft breweries), allowing the taproom at the brewery to be open Monday through Thursday from 11:00am to 12:00am and Friday through Sunday from 10:00am to 12:00am.

As permitted by City Zoning Code, the Applicant is also seeking the Commission's approval for the following ancillary commercial uses to the primary manufacturing use: the on-site staging of a food trucks or similar purveyors of food; conditionally allow minors on the premises; allow for the sale of pre-packaged foods; continue to allow for the retail sale of merchandise; provide for six (6) special events per calendar year with associated beer sales in the parking area (per ABC rules); allow beer leagues to operate. However, the request to allow pets in the taproom is prohibited by the California Retail Food Code. The requested CUP would allow for the expansion of the manufacturing, distribution, and sale of beer (retail and wholesale) with the

ancillary tasting facilities to expand from the current 5,700-square-foot tenant space into their long term intended expansion into the entire 12,384-square-foot industrial building located at the subject property. Parking for the subject site varies from a total of 20-22 parking spaces. During the hours in which only the beer manufacturing use (manufacturing operating is a 24 hour a day operation) is in operation the subject site will have the capacity of 22 parking spaces. However, during the hours in which the taproom is in operation in conjunction with the staging of the food truck or similar food purveyor, the subject site will have a total of 20 available parking spaces. The subject property is an approximate 21,432-square-foot lot located along the northerly portion of the 400 block of Park Avenue, between Fourth Street and Fifth Street; within the M-1 (Limited Industrial) zone.

If the requested CUP amendment is approved, then the applicant intends to expand the operation Type 23 (Small Beer Manufacturer) License with the California Department of Alcoholic Beverage Control (ABC) into the neighboring, on-site industrial tenant space. A small beer manufacturer or micro-brewery is a small-scale brewery operation that typically is dedicated to the production of specialty beers. Pursuant to Business and Professions Code Section 23320(a)(1)(a), a licensed small beer manufacturer with a Type 23 alcohol license is permitted to produce a maximum of 60,000 barrels of beer per year (approximately 1,890,000 gallons of beer). One (1) barrel of beer is equivalent to approximately 31.5 gallons of beer. In addition, pursuant to Business and Professions Code Section 23357, a Type 23 license also authorizes small beer manufacturers to sell the beer they produce at wholesale to persons licensed with ABC to resell alcohol (e.g., supermarkets, neighborhood markets, restaurants, and similar establishments with active alcohol licenses) and at retail to consumers for consumption on or off of the premises.

As part proposed continued operation and expansion of Street Sign Brewing Company, the Applicant will continue production of beer in compliance with all applicable Federal, State, and local laws governing the manufacturing of beer. Furthermore, the applicant's continued operation and continued expansion includes the wholesale and retail sale of the beer that the micro-brewery produces for consumption off of the premises and on-site consumption within the confines of the building (i.e., within a "taproom") with the exception of the requested six (6) special events per calendar year with associated beer sales in the parking area (per ABC rules). The number of special events is requested to increase from the previously approved four (4) per calendar year to six (6). Originally, the Applicant had been approved four (4) special events with a limit of one event per quarter. The new request would allow the Applicant to use the six (6) requested special events without any quarterly restrictions.

The micro-brewery's taproom would continue to facilitate beer tastings to licensed resellers and to the public. Transactions resulting in the sale of beer to resellers and the public, as well as participation in the instructional beer tastings hosted by the micro-brewery, would only be permitted for persons over the age of 21 possessing valid identification. However, as part of the CUP amendment, the Applicant is requesting to allow minors within the taproom area and

within the entire facility. The recommended conditions of approval would address potential externalities associated with presence of minors at the project site by requiring public posting and notification that every minor within the facility must be accompanied by a parent and/or legal guardian.

As part of the CUP amendment, the Applicant is requesting a modification of the existing hours that beer tasting and on-site of alcoholic beverages are allowed. Per the CUP Amendment request, the hours of operation for the ancillary tasting room and the sale of beer to licensed resellers and to the public would be modified from 10:00 A.M. to 10:00 P.M. on Sundays through Thursdays and from 10:00 A.M. to 12:00 A.M. on Fridays and Saturdays to Monday through Thursday from 11:00am to 12:00am and Friday through Sunday from 10:00am to 12:00am. The beer manufacturing will continue to occur 24 hours per day, seven days per week. The City Code does not limit hour of operation for manufacturing uses within the City's M-1 (Limited Industrial Zone).

Generally, wholesale and manufacturing uses are principally permitted uses within the City's M-1 (Limited Industrial) zone, pursuant to City Code Section 106-582(2). However, pursuant to the City's provisions regulating the issuance of alcohol permits, any uses that involve the sale, serving, and consumption of alcoholic beverages shall require the Commission to make the findings in City Code Section 106-178(a) in the affirmative, as part of a Conditional Use Permit process. Additionally, the proposed physical and operational expansion of the micro-brewery use requires the Commission's prior review and approval of a Conditional Use Permit pursuant to City Code Section 106-583(14).

The Applicant is also requesting as part of the CUP amendment to allow the on-site staging of food trucks or similar purveyors of food and to allow for the sale of pre-packaged foods. As part of this request the Applicant would be designating of two (2) parking spaces within the existing parking area for the staging of said food trucks or similar food purveyors. City Code Section 106-582 (3), allows for ancillary commercial uses that are customarily and incidental to by-right permitted industrial uses. The proposed staging of the food trucks or similar food purveyors and the sale of pre-packaged foods would be deemed incidental uses to the existing industrial beer manufacturing with ancillary taproom use. Furthermore, the applicant is requesting to allow "beer leagues" to operate within the taproom and to allow pets in the taproom. However, the request to allow pets in the taproom is prohibited by the California Retail Food Code.

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 approval of Conditional Use Permit (CUP) 2016-004 (amending previously approved CUP 2013-011) in order to allow an existing beer manufacturer/micro-brewery use to located at 425 Park Avenue, expand its manufacturing, production, wholesale/distribution, and on-site sale of craft beer.

The CUP amendment excluding pets in the taproom and beer manufacturing facility would allow San Fernando Street Sign Brewing Co. to expand into the neighboring industrial space (421 Park Ave.) under their existing Type 23 ABC license; modify the hours and days of operation of the ancillary taproom for tastings (as permitted by ABC for craft breweries), allowing the brewery to be open: Monday through Thursday from 11:00am to 12:00am and Friday through Sunday from 10:00am to 12:00am. As part of the CUP request, the applicant is seeking approval of the following ancillary commercial uses to the primary manufacturing use: the on-site staging of a food trucks or similar purveyors of food; conditionally allow minors on the premises; the sale of pre-packaged foods; continued retail sale of merchandise; provide for six (6) special events per calendar year with associated beer sales in the parking area (per ABC rules); and allow beer leagues to operate. Per City Code Section 106-179(c)(3), manufacturing uses with ancillary taproom like the subject brewery are exempted from distance separation requirements that would otherwise apply to 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 subject property at 421 and 425 Park Avenue is located within the M-1 (Limited Industrial) zone (Attachment 3) and maintains an Industrial (IND) land use designation in the General Plan Land Use Element
2. Site Location and Description: The subject property is an approximate 21,432-square-foot lot (Los Angeles County Assessor Parcel No.: 2519-021-030) along the northerly portion of the 400 block of Park Avenue, between Fourth Street and Fifth Street, within the M-1 (Limited Industrial) zone. The property abuts similarly zoned property within the M-1 zone to the north, south, and east, and is within the vicinity of the R-1 (Single-Family Residential) zone to the west. Parking for the subject site varies from a total of 20-22 parking stalls depending on whether there is a food truck on-site. During the hours in which only the beer manufacturing use is in operation the subject site will have the capacity of 22 parking spaces. However, during the hours in which the taproom is in operation in conjunction with the staging of the food truck or similar food purveyor, the subject site will have a total of 20 available parking stalls.
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 Staff's assessment that this project proposal qualifies for a Categorical Exemption under Class 32 (In-Fill Development Projects) of San Fernando's CEQA Guidelines in that the amendment of the proposed conditional use permit to allow for an existing beer manufacturing use with ancillary taproom to expand the existing use via the occupancy of the two existing industrial tenant spaces will involve minor interior alterations (i.e., tenant improvement work) and exterior alterations. Therefore, the proposed CUP amendment and

associated physical improvements to the subject property will not have a significantly adverse impact on the environment.

The approximately 21,432 square foot project site is less than five acres and is located within an urbanized area of the City along Park Avenue and has no value as a habitat for endangered, rare or threatened species. The proposed expansion of the existing wholesale beer manufacturing use through a 6,684 square foot expansion into the adjacent tenant space and associated physical improvements to the existing buildings and on-site parking facility will not have any significant adverse effects related to traffic, noise, air quality, or water quality. The subject site will continue to have adequate ingress and egress for vehicular access from the subject site onto Park Avenue, which is a collector street that feeds to nearby secondary arterial (Fourth Street) within the City. Beyond the construction of grain silos adjacent to the building at 425 Park Avenue, the majority of the operational activity for the existing use, currently and post the requested physical improvements will be contained within the confines of the building and therefore will not have the potential to create adverse environmental impacts related to noise levels or the existing air quality levels and quality of the City's water system. Furthermore, the proposed use of the existing 12,384 commercial building and on-site parking facilities will be redeveloped as part of proposed tenant improvement work and parking lot redesign in a manner that will not adversely impact existing utilities and public services already available to the project site.

4. Legal Notification: On September 23, 2016, a public hearing notice was published in the print version and on the online legal advertisement section of the Los Angeles Daily News, at the project site, at the two City Hall bulletins, at the local branch of the Los Angeles County Library (217 N. Maclay Avenue). In addition, notices of the public hearing for this CUP amendment request were mailed to all property owners of record within 500 feet of the subject site on September 23, 2016.
5. Public Comments: As of the date of preparation of this staff report, a comment letter was received from the public regarding this conditional use permit request (Attachment No. 3). It is staffs assessment that based on the analysis section to follow and the revised Conditions of Approval attached as Exhibit "A" to the Resolution (Attachment No.1). Sufficient safeguards are in place to address the concerns in the attached public comments and ensure ongoing compliance with said conditions of approval. 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 amendment to allow for the expansion of an existing beer manufacturer/micro-brewery, along with the ancillary wholesale and retail

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

The subject property at 421 and 425 Park Avenue is located within the City's Industrial (IND) General Plan Land Use designation. The intent of the IND land use area is to provide for the operation of light manufacturing uses and related services (San Fernando General Plan Land Use Element, Chart IV-1, Page IV-9). The proposed expansion of the micro-brewery use would provide for the manufacturing of beer, in keeping with the intent of the IND land use area by creating a lively environment for within the City that fosters an identity that is distinct from surrounding communities. Additionally, the proposed wholesale and retail sale of the beer, along with beer manufacturing would provide for the expansion of commercial activities within the M-1 zone, promoting the continued economic viability of City's industrial zones.

2. Zoning Consistency. Within the City's M-1 (Limited Industrial) zone, wholesale and manufacturing uses are generally principally permitted uses. However, pursuant to the City's zoning regulations the issuance of alcohol permits, any uses that involve the sale, serving, and consumption of alcoholic beverages shall require the Commission to make the findings in City Code Section 106-178(a) in the affirmative, as part of a Conditional Use Permit application process. Additionally, the distribution of product from the micro-brewery would require the review and approval Conditional Use Permit pursuant to City Code Section 106-583(14).

Approval of the requested CUP amendment to allow for the proposed expansion of the micro-brewery at the subject property would be compatible with other permitted and conditionally permitted manufacturing, wholesaling, and distribution uses envisioned for the City's M-1 zone and consistent with the zone's purpose of providing for the location and operation of light manufacturing and related services and uses (City Code Section 106-581).

3. Special Events and Live Entertainment. As part of the requested amendment to the existing conditional use permit. The Applicant is seeking to amend the total number and time of special events from four (4) times a year that are limited to one event per quarter to a total of six (6) special events per year, with no quarterly time restrictions. As previously noted, the Applicant is seeking to have beer sales in the parking area during said special events (per ABC rules). The provisions for live music and entertainment will still be limited to special events only. Unless otherwise approved by the City as part of a special event permit application, all live music and entertainment shall occur within the confines of the

building, only during normal business hours, and comply with the City's noise ordinance. Recorded music may be played in the establishment through a stereo system or similar equipment at all times during normal business hours subject to ongoing compliance with the City's Noise Ordinance (City Code Chapter 34).

4. Distance Separation Requirements. As previously noted, City Code Section 106-179(c)(3) notes that businesses manufacturing or wholesaling alcoholic beverages, including beer, are exempt from the distance separation requirements from residential uses, churches, places of worship, schools, public parks, and other establishments that sell alcoholic beverages (on-sale and off-sale). As such, the proposed use would be in compliance with the applicable distance separation regulations governing the City's issuance of alcohol permits.
5. Type 23 Alcohol License Provisions. The State's Alcoholic Beverage Control Act, codified as Division 9 of the Business and Professions Code, establishes the provisions for the issuance of licenses to manufacture alcoholic beverages, including beer, wine, and distilled spirits. The issuance of a license to manufacture alcohol in the State is administered by the California Department of Alcoholic Beverage Control (ABC).

In California, a small beer manufacturer/micro-brewery is required to apply for a Type 23 (Small Beer Manufacturer) license to produce and sell beer. A Type 23 license allows a small beer manufacturer to produce a maximum of 60,000 barrels of beer (approximately 1,890,000 gallons) a year and permits the sale of the beer the manufacturer produces to licensed resellers, distributors, and directly to the public for on-site or off-site consumption (Business and Professions Code Sections 23320(a)(1)(a) and 23357).

When the sale of beer is strictly ancillary to the manufacturing of beer, a separate Type 20 (Off Sale Beer and Wine) license is not required. A Type 20 license would apply to establishments that sell beer and wine for off-site consumption and do not engage in the production of beer or wine (e.g., supermarkets, convenience stores, liquor stores, and similar establishments). Furthermore, instructional beer tastings are also permitted with a Type 23 license as part of an event sponsored by a nonprofit organization (Business and Professions Code Section 23357.3).

The continued operation and expansion of Street Sign Brewing Company, the existing micro-brewery, would incorporate those aspects of the business permitted with a Type 23 license. The Applicant for the project is proposing to: continue to manufacture beer up to the quantities permitted by the State; provide for the sale of beer the company produces to licensed resellers; sell beer that the company produces to the general public for on-site or off-site consumption; and provide instructional tasting as permitted pursuant to applicable State law.

6. Sale of Beer to the General Public. As discussed in the previous section, the Applicant intends to provide for the sale of the beer the company produces to the general public for on-site and off-site consumption. State law permits micro-breweries to provide for the direct sale of the beer they produce to consumers and provide areas for on-site consumption of the beer at their licensed premises. Additionally, consumers may frequent the micro-brewery to purchase beer to take home with them through the purchase of pre-filled bottles (as typically purchased through a supermarket), by the keg, or by bringing their own empty container or “growler” to the brewery to be filled, sealed, labeled, and taken home.

The United States Alcohol and Tobacco Tax and Trade Bureau (TBB), the Federal agency overseeing the production of alcohol nationally, classifies a growler as a bottle that a brewer fills with beer that is generally a ½ gallon in size or smaller. Generally, pre-bottled beer is required to be properly labeled by the brewery in compliance with Federal and State law prior to the sale of the product. The labeling requirements mandate that a brewery, whether small or large, provide the following information on a bottle of beer:

- | | |
|-----------------------------|------------------------------------|
| ✓ Brewer Name or Trade Name | ✓ Net Contents within the Bottle |
| ✓ Place of Production | ✓ Governmental Warning Information |

The requirement extends to bottles or “growlers” that are brought in by consumers for the brewery to fill. The growler is required to be properly labeled prior to the sale of the beer by the brewery.

State law allows direct consumer sale of beer for micro-breweries and similar small beer manufacturers to create a market in the State for these types of establishments to be viable in, in particular with competition from much larger national and global beer purveyors. Large beer manufacturers that produce in excess of 60,000 barrels of beer a year and sell nationally are generally restricted to sell their product to distributors, which then resell the product to retail outlets. Self-distribution by a micro-brewery promotes the economic viability of these small enterprises and facilitates additional employment opportunities in the State.

As required by the State, the purchase of beer would be restricted to adults over the age of 21 who possess valid identification. Employees of the brewery will be required to verify the age of each consumer, be it for on-site or off-site consumption, prior to the sale of beer to an individual. Failure for the applicant to comply with this provision may lead to revocation of the license by ABC, administrative fines and penalties, and potential revocation of this CUP by the Commission, if approved. As previously noted, the Applicant has requested that as part of the CUP amendment, the Commission allow for minors to access the trap room subject to the condition that proper notification is posted on-site that notes that all minors must be accompanied by a parent and/or legal guardian.

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

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

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

The existing beer manufacturer is located within Census Tract No. 3202.02 and has a published total population of 5,797 residents as of the 2010 United States Census. There are a total of six (6) alcohol licenses consisting of two (2) on-sale and two (2) off-sale alcohol and two (2) non-retail alcohol licenses within the census tract.

A review of City and ABC records indicates that there are two (2) on-sale alcohol outlets (one (1) on-sale alcohol outlet for every 2,898.5 residents) within Census Tract No. 3202.02. 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 (1) license for every 829.34 residents. Since the ratio of on-sale licenses within Census Tract No. 3202.02 is less than the ratio for Los Angeles County, Census Tract No. 3202.02 does not have an undue concentration of on-sale licenses.

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

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

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

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

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

Generally, pursuant to City Code Section 106-582(2), wholesale and manufacturing uses are principally permitted uses within the City's M-1 (Limited Industrial) zone. However, pursuant to City's regulation regarding the issuance of alcohol permits, any uses that involve the sale, serving, and consumption of alcoholic beverages shall require the Planning and Preservation Commission to make the findings noted in City Code Section 106-178(a) in the affirmative, as part of a Conditional Use Permit process. Additionally, the distribution of product from the micro-brewery would require City

review and approval of a Conditional Use Permit pursuant to City Code Section 106-583(14). The CUP amendment would allow San Fernando Street Sign Brewing Co. to undertake the following: expand into the neighboring industrial space (421 Park Avenue) under their existing Type 23 ABC license; and modify the hours and days of operation of the ancillary taproom for tastings (as permitted by ABC for craft breweries), allowing the brewery to be open: Monday through Thursday from 11:00am to 12:00am and Friday through Sunday from 10:00am to 12:00am.

As part of the CUP amendment request excluding pets in the taproom and beer manufacturing facility, the Applicant is seeking approval of the following commercial activities that are considered ancillary uses to the primary industrial beer manufacturing use: the on-site staging of a food trucks or similar purveyors of food; conditionally allow minors on the premises; allow for the sale of pre-packaged foods; continue to allow the retail sale of merchandise; provide for six (6) special events per calendar year with associated beer sales in the parking area (per ABC rules); and allow beer leagues to operate. The Planning and Preservation concurs with staff's assessment that the requested CUP to allow an existing beer manufacturer/micro-brewery use to located at 421 and 425 Park Avenue, expand its manufacturing, production, wholesale/distribution, and on-site sale of craft beer that includes ancillary commercial uses that are incidental to primary manufacturing use that includes the production and sale of alcoholic beverages is a conditionally permitted use within City's M-1 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.

The proposed expansion of the micro-brewery, with the implementation of the recommended conditions of approval for the project, would not impair the integrity and character of the M-1 (Limited Industrial) zone and the adjacent, residential zoned neighborhood. The proposed beer manufacturing facility would continue to be complementary to similar manufacturing, warehousing, and distribution uses that currently existing within the City's industrial zones. The proposed use seeks to expand the current beer manufacturing use into the adjacent industrial tenant space located on the same subject site within the M-1 zone, which further enhances the commercial activities occurring within this industrial zoned corridor.

The continued on-site consumption of alcoholic beverages ancillary to operation of the beer manufacturing use through the modified hours of operation of the taproom and staging of food trucks or similar food purveyors, would allow for Street Sign Brewing Company to expand business through the sale and on-site consumption of alcoholic beverages that help foster growth and creating a lively environment within the zone.

Furthermore, in order to ensure the protection and preservation of surrounding neighborhoods, while fostering and promoting commercial growth in the City's M-1 (Limited Industrial) Zone, 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 beer manufacturing use with modified hours of operation for the taproom and ancillary commercial uses as requested, would not impair the integrity and character of the City's M-1 (Limited Industrial) zone or the character of the neighboring residential areas. 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 Project site at 421 and 425 Park Avenue is an approximate 21,432-square-foot property that is currently improved with an existing 12,384-square-foot industrial building. The site would exceed the City's applicable parking requirements of 17 parking spaces by providing a total of 22 parking spaces on-site. However, during the hours in which the taproom is in operation in conjunction with the staging of the food truck or a similar food purveyor, the subject site will have a total of 20 available parking spaces; three (3) more parking spaces than the minimum required for similarly developed and zoned properties. The existing micro-brewery is currently operating its facility from a 5,700-square-foot unit within the existing industrial building (425 Park Avenue) at the subject property. As part of the proposed amendment the existing beer manufacturer would expand its operation into the adjacent approximately 6,684 sq. ft. tenant space (421 Park Avenue) located within the same industrial building. The subject property is has sufficient building and lot area as well as on-site parking facilities suitable to allow the continued and proposed expansion of the manufacturing use and associated ancillary commercial uses (i.e., special events in the parking lot) while still ensuring compliance with applicable development standards for similarly zoned industrial property.

The proposed expansion of the micro-brewery would provide new tenant improvements to the interior of the adjacent tenant space at 421 Park Avenue in order to facilitate the manufacturing and sale of beer, new outdoor grain silos, while maintaining the ancillary tasting facilities at 425 Park Avenue. Any necessary utility upgrades to support the new use would be developed as part of the tenant improvement work for the micro-brewery, which are subject to review and approval by

the City and associated public utilities. 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 subject property at 421 and 425 Park Avenue is currently improved with an approximate 12,384-square-foot industrial building with two (2) separate tenant spaces. The proposed expansion of the micro-brewery use, which includes a wholesale component, along with the manufacturing and distribution of beer, would be compatible with the existing permitted industrial use currently established at 421 Park Avenue and future expansion of the manufacturing, wholesaling, and distribution uses permitted and conditionally permitted within the M-1 (Limited Industrial) zone. 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.

Within the City's M-1 (Limited Industrial) zone, manufacturing uses, along with wholesaling and distribution uses are permitted or conditionally permitted within the zone. Furthermore, the General Plan Land Use Element designates this property within the City's Industrial (IND) land use area, where future uses that are envisioned for the area include the operation of light manufacturing uses and related services. The continued operation and the proposed expansion of the micro-brewery would allow for the growth of the existing manufacturing, wholesaling, and distribution use at the subject property in a manner that is compatible with currently permitted and conditionally permitted uses in the zone and future potential uses envisioned for the IND land use area and M-1 (Limited Industrial) Zone. Thus, it is staff's assessment that this finding can be made.

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 proposed expansion of the micro-brewery at the subject property would continue to be served by existing water, sanitation and public utilities that are currently in use for the existing industrial commercial building. While no infrastructure and utility upgrades are necessary at this time for the new tenant to conduct business activity at the subject property, any future improvements would be required to be developed in compliance with the requirements of the City's building codes, including any requirements from the Public Works Department and associated public utilities. 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.

The subject property is currently improved with two (2) existing 24-foot driveways along Park Avenue that provide vehicular ingress and egress to the parking area of the proposed micro-brewery to the public. These driveway areas would provide sufficient, safe access to the site by police and fire personal in the event of an emergency. Thus, it is staff's assessment that this finding can be made in this case. Off-street parking for the subject site varies from a total of 20-22 parking spaces. During the hours in which only the beer manufacturing use is in operation the subject site will have the capacity of 22 parking spaces. However, during the hours in which the taproom is in operation in conjunction with the staging of the food truck or similar food purveyor, the subject site will have a total of 20 available parking spaces. In both instances, the subject site would meet the minimum on-site parking requirements for similarly zoned M-1 (Limited Industrial) properties. 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.

The continued operation and proposed expansion of the micro-brewery use at the subject property would expand the existing manufacturing, wholesaling, and distribution use within the adjacent tenant space located at 421 and 425 Park Avenue in the City's M-1 (Limited Industrial) zone. The proposed expansion is an appropriate use that is compatible with the industrial land uses permitted and conditionally permitted within the zone and within the general plan's Industrial land use area. There is a need to promote economic viability of industrial uses within the M-1 zone. The proposed use would aid in achieving the City's goal of business retention by facilitating existing manufacturers to expand their commercial activities as private entrepreneurs seeking to expand their existing micro-brewery business via future tenant improvements to expand production capacity and modified hours for taproom sales that promote the economic viability of the City's manufacturing core. 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 subject property is located within the City's Industrial (IND) General Plan land use area. Within the City's IND land use area, the General Plan Land Use Element envisions the introduction and operation of light manufacturing uses and related services. The continued operation and proposed expansion of the micro-brewery would foster the expansion of manufacturing, wholesaling, and distribution uses at the subject property that are consistent with the general land uses envisioned for the IND land use area in

the City's General Plan. In addition, the industrial use at the subject property would enhance the Park Avenue industrial corridor and provide for an increase of commercial activity that works towards promoting small business development and improving the economic viability of M-1 (Limited Industrial) Zone. 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 proposed request at the subject property to continue the operation and allow for the proposed expansion of the existing micro-brewery would not be detrimental to the public interest, health, safety, convenience, or welfare to neighboring industrial or residential uses in the area, with the implementation of the recommended conditions of approval for the project. The recommended hours of operation for the taproom of the micro-brewery would be Monday through Thursday from 11:00am to 12:00am and Friday through Sunday from 10:00am to 12:00am would ensure that all business activity ceases at 12:00 am during normal business hours in order to mitigate any potential adverse impact to neighboring industrial and residential zoned property.

In addition, the recommended conditions limiting live music and entertainment to only special events six (6) time a year, would provide safeguards to prevent the proposed use from being turned into a bar or general off-sale liquor establishment and having impacts relating to public intoxication and potential violations of the City's Noise Ordinance. Thus, it is staff's assessment that this finding can be made in this case.

9. Supplemental Findings for On-sale CUPs. In addition to those findings set forth in City Code Section 106-145, as discussed in Section 5 of this report, applications for conditional use permits involving any use that involves the sale, serving, and/or consumption of alcoholic beverages shall require the Planning and Preservation Commission to make the following findings:

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

In review of reporting data from the City of San Fernando Police Department for the subject property since it has been in operation from June 3, 2014 to September 21, 2016. During this period, there were a total of three (3) calls for service attributed to 425 Park Avenue. Of the three (3) calls for service, one (1) call was for found property, one (1) call was for a stolen vehicle report and one (1) call was for a DUI Driver. The one call for service from the subject site was alcohol related was actually initiated by

the business owner, who called it in when a patron refused to utilize the taxi service that was called out for the patron.

The requested conditional use permit to allow for the expansion of an existing micro-brewery, with the ongoing implementation of the recommended conditions of approval for the project, is not anticipated to encourage or intensify crime within the vicinity of the project. The recommended conditions of approval for the hours of operation of the proposed micro-brewery and limiting the use of live music and entertainment to special events provides safeguards to mitigate the potential impacts to neighboring industrial and residential used within the vicinity of the subject property at 421 and 425 Park Avenue. Furthermore, any non-compliance with the conditions of approval for the project and violation of any applicable local ordinance would result in nuisance abatement enforcement action by the City, leading up to potential criminal prosecution and 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.**

The continued operation and proposed expansion of the existing micro-brewery, with the implementation of the recommended conditions of approval for the project, is not anticipated to have potential adverse impacts to neighboring residential uses in the vicinity of the subject property, nor to any church, hospital, school, day care, park, or library use in the City, with the ongoing implementation of the recommended conditions of approval for the project. The continued operation and proposed expansion of the existing micro-brewery, will expand the existing manufacturing, wholesaling, and distribution use that are compatible to other permitted and conditionally permitted uses envisioned within M-1 (Limited Industrial) zone. Continue to limit live music and entertainment to the six (6) special event permits per calendar year with associated ancillary commercial uses noted in the CUP amendment will ensure safeguards to mitigate the potential impacts to neighboring industrial and residential uses within the vicinity of the subject. Furthermore, non-compliance with the conditions of approval for the project and violation of any applicable local ordinance would result in nuisance abatement enforcement action by the City, leading up to potential criminal prosecution and revocation of the CUP. 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)(3), business manufacturing or wholesaling alcoholic beverages are exempt from distance separation requirements that would

otherwise apply to other types businesses seeking a CUP for the general sale of alcoholic beverages for on-site or off-site consumption. Street Sign Brewing Company, the existing micro-brewery operating at the subject property, would continue to qualify for the exemption in distance separation provided in the City Code. 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.**

The existing micro-brewery is located within Census Tract No. 3202.02 and has a total population of 5,797 residents as noted in the 2010 United States Census. There are a total of six (6) alcohol licenses consisting of two (2) on-sale and two (2) off-sale alcohol and two (2) non-retail alcohol licenses within the census tract.

A review of City and ABC records indicates that there are two (2) on-sale alcohol outlets (one (1) on-sale alcohol outlet for every 2,898.5 residents) within Census Tract No. 3202.02.

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 (1) license for every 829.34 residents. Since the ratio of on-sale licenses within Census Tract No. 3202.02 is less than the ratio for Los Angeles County, Census Tract No. 3202.02 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 3202.02 and 3202.02 as one complete reporting area, referred to as San Fernando Police Department Track 2. Track 2 encompasses an area bounded by Hubbard Avenue to the west, Glenoaks Boulevard to the north, Arroyo Avenue to the east and the railroad tracks to the south. Based on the reporting data available from the San Fernando Police Department, from September 15, 2015 to September 22, 2016, 32 percent of all incidents reported were generated from Track 2. Based on the data, Track 2 does not have an undue concentration as it pertains to a greater number of reported crimes.

Notwithstanding with the aforementioned data, the State of California Alcoholic Beverage Control Act does not required businesses manufacturing, wholesaling, or distributing alcoholic beverages, including micro-breweries with ancillary tasting

facilities, to provide a finding for public convenience or necessity. These findings would be applicable to stand-alone establishments that are licensed to sell alcohol for on-site or off-site consumption without manufacturing facilities. Therefore, 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 continued operation of a micro-brewery with ancillary taproom and associated complimentary commercial uses requires as part of the CUP amendment 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 2016-004 is warranted. The Commission's approval of CUP 2016-004 (amending previously approved CUP 2013-011), would allow for a micro-brewery use to: 1) continue to operate and expand its operation via an expansion into the neighboring industrial space located at 421 Park Avenue under their existing Type 23 ABC license; and 2) modify the hours and days of operation of the ancillary taproom for tastings (as permitted by ABC for craft breweries), allowing the brewery to be open: Monday through Thursday from 11:00am to 12:00am and Friday through Sunday from 10:00am to 12:00am.

As part of the CUP amendment request, the Applicant is seeking approval of the following ancillary commercial uses associated with the primary manufacturing use: the on-site staging of a food trucks or similar purveyors of food; conditionally allow minors on the premises; allow for the sale of pre-packaged foods; continue to allow retail sale of merchandise; provide for six (6) special events per calendar year with associated beer sales in the parking area (per ABC rules); allow beer leagues to operate. However, denying the request to allow pets in the taproom and beer manufacturing facility.

The Commission's approval of CUP 2016-004 would facilitate expanded industrial and ancillary commercial activities within in the City's M-1 (Limited Industrial) zone that have the potential to positively impact the long term viability of the industrially-zoned corridors, while providing safeguards through the recommended conditions of approval that are provided to ensure ongoing operation of the business as originally approved by the Commission will also preserve the small town character of the community and the quality of life for neighboring residential properties.

Based on the above findings, City Planning Staff recommends that the Planning and Preservation Commission approve Conditional Use Permit 2016-004 (amending previously approved CUP 2013-011) for the property located at 421 and 425 Park Avenue, pursuant to

Planning and Preservation Commission Resolution 2016-010 and subject to the Conditions of Approval attached as Exhibit "A" to the Resolution (Attachment No.1).

ATTACHMENTS:

1. Planning and Preservation Commission Resolution 2016-010 and Exhibit "A": Conditions of Approval
2. Conditional Use Permit Application – CUP 2016-004
3. Public Comment Letter Dated 9/28/16
4. Notice of Public Hearing Published in the *Los Angeles Daily News*
5. Zoning & Vicinity Map
6. Project Site Photos
7. Site Plan and Floor Plan

RESOLUTION NO. 2016-010**A RESOLUTION OF THE PLANNING AND PRESERVATION COMMISSION OF THE CITY OF SAN FERNANDO APPROVING CONDITIONAL USE PERMIT 2016-004 TO ALLOW AN EXISTING BEER MANUFACTURER/MICRO-BREWERY USE TO EXPAND ITS MANUFACTURING, PRODUCTION, WHOLESALE/DISTRIBUTION, AND ON-SITE SALE OF CRAFT BEER AT THE SUBJECT PROPERTY LOCATED AT 421 AND 425 PARK AVENUE.**

WHEREAS, an application has been filed by Street Sign Brewing Company DBA San Fernando Brewery (the "Applicant") requesting the review and approval of a conditional use permit (CUP) pursuant to City Code Sections 106-178(a) and 106-583(14) to allow an existing beer manufacturer/micro-brewery use to expand its manufacturing, production, wholesale/distribution, and on-site sale of craft beer located at 421 and 425 Park Avenue (the "Project"). The Project would allow San Fernando Street Sign Brewing Co. to: expand into the neighboring industrial space (421 Park Ave.) under their existing Type 23 ABC license; and, modify the hours and days of operation of the ancillary taproom for tastings (as permitted by ABC for craft breweries) in order to allow the brewery to be open Monday through Thursday from 11:00am to 12:00am and Friday through Sunday from 10:00am to 12:00am. The proposed expansion would provide for the existing manufacturing, distribution, wholesale, and retail sale of beer for on-site and off-site consumption within an approximate 5,700-square-foot tenant space to expand in the adjacent 6,684 sq. ft. tenant space of the existing 12,384-square-foot industrial building at the subject property; an approximate 21,432-square-foot lot located along the northerly portion of the 400 block of Park Avenue, between Fourth Street and Fifth Street, within the M-1 (Limited Industrial) zone.

WHEREAS, as part of the CUP request excluding pets in the taproom and beer manufacturing facility, the Applicant is seeking approval of the following ancillary commercial uses: the on-site staging of a food trucks or similar purveyors of food; conditionally allow minors on the premises; allow for the sale of pre-packaged foods; continue to allow for the retail sale of merchandise; provide for six (6) special events per calendar year with associated beer sales in the parking area (per ABC rules); allow beer leagues to operate;

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 4th day of October 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 Staff's assessment that this project proposal qualifies for a Categorical Exemption under Class 32 (In-Fill Development Projects) of San Fernando's CEQA Guidelines in that the amendment

of the proposed conditional use permit to allow for an existing beer manufacturing use with ancillary taproom to expand the existing use via the occupancy of the two existing industrial tenant spaces will involve minor interior alterations (i.e., tenant improvement work) and exterior alterations. Therefore, the proposed Project at the subject property will not have a significantly adverse impact on the environment.

The approximately 21,432 square foot project site is less than five acres and is located within an urbanized area of the City along Park Avenue and has no value as a habitat for endangered, rare or threatened species. The proposed expansion of the existing wholesale beer manufacturing use through a 6,684 square foot expansion into the adjacent tenant space and associated physical improvements to the existing buildings and on-site parking facility will not have any significant adverse effects related to traffic, noise, air quality, or water quality. The subject site will continue to have adequate ingress and egress for vehicular access from the subject site onto Park Avenue, which is a collector street that feeds to nearby secondary arterial (Fourth Street) within the City. Beyond the construction of grain silos adjacent to the building at 425 Park Avenue, the majority of the operational activity for the existing use, currently and post the requested physical improvements will be contained within the confines of the building and therefore will not have the potential to create adverse environmental impacts related to noise levels or the existing air quality levels and quality of the City's water system. Furthermore, the proposed use of the existing 12,384 commercial building and on-site parking facilities will be redeveloped as part of proposed tenant improvement work and parking lot redesign in a manner that will not adversely impact existing utilities and public services already available to the project site;

SECTION 2: The Project is consistent with the objectives, policies, and general land uses and programs provided in the City's General Plan and the applicable development standards for industrially zoned property within the M-1 zone; and

SECTION 3: Pursuant to City Code Section 106-145, the Planning and Preservation Commission finds that the following findings for Conditional Use Permit 2016-004 have been justified and upheld in the affirmative because of the recommended conditions of approval regarding continued operation and the proposed expansion of the micro-brewery. 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.

Generally, pursuant to City Code Section 106-582(2), wholesale and manufacturing uses are principally permitted uses within the City's M-1 (Limited Industrial) zone. However, pursuant to City's regulation regarding the issuance of alcohol permits, any uses that involve the sale, serving, and consumption of alcoholic beverages shall require the Planning and Preservation Commission to make the findings noted in City Code Section 106-178(a) in the affirmative, as part of a Conditional Use Permit process. Additionally, the distribution of product from the micro-brewery would require City review and approval of a Conditional Use Permit pursuant to City Code Section 106-583(14). The CUP amendment would allow San Fernando Street Sign Brewing Co. to undertake the following: expand into the neighboring industrial space (421 Park Avenue) under their existing Type 23 ABC license; and modify the

hours and days of operation of the ancillary taproom for tastings (as permitted by ABC for craft breweries), allowing the brewery to be open: Monday through Thursday from 11:00am to 12:00am and Friday through Sunday from 10:00am to 12:00am.

As part of the CUP amendment request excluding pets in the taproom and beer manufacturing facility, the Applicant is seeking approval of the following commercial activities that are considered ancillary uses to the primary industrial beer manufacturing use: the on-site staging of a food trucks or similar purveyors of food; conditionally allow minors on the premises; allow for the sale of pre-packaged foods; continue to allow the retail sale of merchandise; provide for six (6) special events per calendar year with associated beer sales in the parking area (per ABC rules); and allow beer leagues to operate. The Planning and Preservation concurs with staff's assessment that the requested CUP to allow an existing beer manufacturer/micro-brewery use to located at 421 and 425 Park Avenue, expand its manufacturing, production, wholesale/distribution, and on-site sale of craft beer that includes ancillary commercial uses that are incidental to primary manufacturing use that includes the production and sale of alcoholic beverages is a conditionally permitted use within City's M-1 zone and complies with all applicable sections of the City Zoning Ordinance. Thus, it is the Commission's determination 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.

The proposed expansion of the micro-brewery, with the implementation of the recommended conditions of approval for the project, would not impair the integrity and character of the M-1 (Limited Industrial) zone and the adjacent, residential zoned neighborhood. The proposed beer manufacturing facility would continue to be complementary to similar manufacturing, warehousing, and distribution uses that currently existing within the City's industrial zones. The proposed use seeks to expand the current beer manufacturing use into the adjacent industrial tenant space located on the same subject site within the M-1 zone, which further enhances the commercial activities occurring within this industrial zoned corridor.

The continued on-site consumption of alcoholic beverages ancillary to operation of the beer manufacturing use through the modified hours of operation of the taproom and staging of food trucks or similar food purveyors, would allow for Street Sign Brewing Company to expand business through the sale and on-site consumption of alcoholic beverages that help foster growth and creating a lively environment within the zone.

Furthermore, in order to ensure the protection and preservation of surrounding neighborhoods, while fostering and promoting commercial growth in the City's M-1 (Limited Industrial) Zone, 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 beer manufacturing use with modified hours of operation for the taproom and ancillary

commercial uses as requested, would not impair the integrity and character of the City's M-1 (Limited Industrial) zone or the character of the neighboring residential areas. Thus, it is the Commission's determination that this finding can be made in this case.

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

The Project site at 421 and 425 Park Avenue is an approximate 21,432-square-foot property that is currently improved with an existing 12,384-square-foot industrial building. The site would exceed the City's applicable parking requirements of 17 parking spaces by providing a total of 22 parking spaces on-site. However, during the hours in which the taproom is in operation in conjunction with the staging of the food truck or a similar food purveyor, the subject site will have a total of 20 available parking spaces; three (3) more parking spaces than the minimum required for similarly developed and zoned properties. The existing micro-brewery is currently operating its facility from a 5,700-square-foot unit within the existing industrial building (425 Park Avenue) at the subject property. As part of the proposed amendment the existing beer manufacturer would expand its operation into the adjacent approximately 6,684 sq. ft. tenant space (421 Park Avenue) located within the same industrial building. The subject property is has sufficient building and lot area as well as on-site parking facilities suitable to allow the continued and proposed expansion of the manufacturing use and associated ancillary commercial uses (i.e., special events in the parking lot) while still ensuring compliance with applicable development standards for similarly zoned industrial property.

The proposed expansion of the micro-brewery would provide new tenant improvements to the interior of the adjacent tenant space at 421 Park Avenue in order to facilitate the manufacturing and sale of beer, new outdoor grain silos, while maintaining the ancillary tasting facilities at 425 Park Avenue. Any necessary utility upgrades to support the new use would be developed as part of the tenant improvement work for the micro-brewery, which are subject to review and approval by the City and associated public utilities. Thus, it is the Commission's determination that this finding can be made in this case.

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

The subject property at 421 and 425 Park Avenue is currently improved with an approximate 12,384-square-foot industrial building with two (2) separate tenant spaces. The proposed expansion of the micro-brewery use, which includes a wholesale component, along with the manufacturing and distribution of beer, would be compatible with the existing permitted industrial use currently established at 421 Park Avenue and future expansion of the manufacturing, wholesaling, and distribution uses permitted and conditionally permitted within the M-1 (Limited Industrial) zone. Thus, it is the Commission's determination that this finding can be made in this case.

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.

Within the City's M-1 (Limited Industrial) zone, manufacturing uses, along with wholesaling

and distribution uses are permitted or conditionally permitted within the zone. Furthermore, the General Plan Land Use Element designates this property within the City's Industrial (IND) land use area, where future uses that are envisioned for the area include the operation of light manufacturing uses and related services. The continued operation and the proposed expansion of the micro-brewery would allow for the growth of the existing manufacturing, wholesaling, and distribution use at the subject property in a manner that is compatible with currently permitted and conditionally permitted uses in the zone and future potential uses envisioned for the IND land use area and M-1 (Limited Industrial) Zone. Thus, it is the Commission's determination 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 proposed expansion of the micro-brewery at the subject property would continue to be served by existing water, sanitation and public utilities that are currently in use for the existing industrial commercial building. While no infrastructure and utility upgrades are necessary at this time for the new tenant to conduct business activity at the subject property, any future improvements would be required to be developed in compliance with the requirements of the City's building codes, including any requirements from the Public Works Department and associated public utilities. Thus, it is the commission's determination that this finding can be made in this case.

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

The subject property is currently improved with two (2) existing 24-foot driveways along Park Avenue that provide vehicular ingress and egress to the parking area of the proposed micro-brewery to the public. These driveway areas would provide sufficient, safe access to the site by police and fire personal in the event of an emergency. Thus, it is staff's assessment that this finding can be made in this case. Off-street parking for the subject site varies from a total of 20-22 parking spaces. During the hours in which only the beer manufacturing use is in operation the subject site will have the capacity of 22 parking spaces. However, during the hours in which the taproom is in operation in conjunction with the staging of the food truck or similar food purveyor, the subject site will have a total of 20 available parking spaces. In both instances, the subject site would meet the minimum on-site parking requirements for similarly zoned M-1 (Limited Industrial) properties. Thus, it is the Commission's determination 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.

The continued operation and proposed expansion of the micro-brewery use at the subject property would expand the existing manufacturing, wholesaling, and distribution use within the adjacent tenant space located at 421 and 425 Park Avenue in the City's M-1 (Limited Industrial) zone. The proposed expansion is an appropriate use that is compatible with the industrial land uses permitted and conditionally permitted within the zone and within the

general plan's Industrial land use area. There is a need to promote economic viability of industrial uses within the M-1 zone. The proposed use would aid in achieving the City's goal of business retention by facilitating existing manufacturers to expand their commercial activities as private entrepreneurs seeking to expand their existing micro-brewery business via future tenant improvements to expand production capacity and modified hours for taproom sales that promote the economic viability of the City's manufacturing core. Thus, it is the Commission's determination 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 subject property is located within the City's Industrial (IND) General Plan land use area. Within the City's IND land use area, the General Plan Land Use Element envisions the introduction and operation of light manufacturing uses and related services. The continued operation and proposed expansion of the micro-brewery would foster the expansion of manufacturing, wholesaling, and distribution uses at the subject property that are consistent with the general land uses envisioned for the IND land use area in the City's General Plan. In addition, the industrial use at the subject property would enhance the Park Avenue industrial corridor and provide for an increase of commercial activity that works towards promoting small business development and improving the economic viability of M-1 (Limited Industrial) Zone. Thus, it is the Commission's determination 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 proposed request at the subject property to continue the operation and allow for the proposed expansion of the existing micro-brewery would not be detrimental to the public interest, health, safety, convenience, or welfare to neighboring industrial or residential uses in the area, with the implementation of the recommended conditions of approval for the project. The recommended hours of operation for the taproom of the micro-brewery would be Monday through Thursday from 11:00am to 12:00am and Friday through Sunday from 10:00am to 12:00am would ensure that all business activity ceases at 12:00 am during normal business hours in order to mitigate any potential adverse impact to neighboring industrial and residential zoned property.

In addition, the recommended conditions limiting live music and entertainment to only special events six (6) times a year, would provide safeguards to prevent the proposed use from being turned into a bar or general off-sale liquor establishment and having impacts relating to public intoxication and potential violations of the City's Noise Ordinance. Thus, it is the Commission's determination 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 since it has been in operation from June 3, 2014 to September 21, 2016. During this period, there were a total of three (3) calls for service attributed to 425 Park Avenue. Of the three (3) calls for service, one (1) call was for found property, one (1) call was for a stolen vehicle report and one (1) call was for a DUI Driver. The one call for service from the subject site was alcohol related was actually initiated by the business owner, who called it in when a patron refused to utilize the taxi service that was called out for the patron.

The requested conditional use permit to allow for the expansion of an existing micro-brewery, with the ongoing implementation of the recommended conditions of approval for the project, is not anticipated to encourage or intensify crime within the vicinity of the project. The recommended conditions of approval for the hours of operation of the proposed micro-brewery and limiting the use of live music and entertainment to special events provides safeguards to mitigate the potential impacts to neighboring industrial and residential used within the vicinity of the subject property at 421 and 425 Park Avenue. Furthermore, any non-compliance with the conditions of approval for the project and violation of any applicable local ordinance would result in nuisance abatement enforcement action by the City, leading up to potential criminal prosecution and revocation of the CUP. Thus, it is the Commission's determination that this finding can be made in this case.

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.

The continued operation and proposed expansion of the existing micro-brewery, with the implementation of the recommended conditions of approval for the project, is not anticipated to have potential adverse impacts to neighboring residential uses in the vicinity of the subject property, nor to any church, hospital, school, day care, park, or library use in the City, with the ongoing implementation of the recommended conditions of approval for the project. The continued operation and proposed expansion of the existing micro-brewery, will expand the existing manufacturing, wholesaling, and distribution use that are compatible to other permitted and conditionally permitted uses envisioned within M-1 (Limited Industrial) zone. Continue to limit live music and entertainment to the six (6) special event permits per calendar year with associated ancillary commercial uses noted in the CUP amendment will ensure safeguards to mitigate the potential impacts to neighboring industrial and residential uses within the vicinity of the subject. Furthermore, non-compliance with the conditions of approval for the project and violation of any applicable local ordinance would result in nuisance abatement enforcement action by the City, leading up to potential criminal prosecution and revocation of the CUP. Thus, it is the Commission's determination that this finding can be made in this case.

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

Pursuant to City Code Section 106-179(c)(3), business manufacturing or wholesaling alcoholic beverages are exempt from distance separation requirements that would otherwise apply to other types businesses seeking a CUP for the general sale of alcoholic beverages for on-site or off-site consumption. Street Sign Brewing Company, the existing micro-brewery operating at the subject property, would continue to qualify for the exemption in distance separation provided in the City Code. Thus, it is the Commission's determination 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.

The existing micro-brewery is located within Census Tract No. 3202.02 and has a total population of 5,797 residents as noted in the 2010 United States Census. There are a total of six (6) alcohol licenses consisting of two (2) on-sale and two (2) off-sale alcohol and two (2) non-retail alcohol licenses within the census tract.

A review of City and ABC records indicates that there are two (2) on-sale alcohol outlets (one (1) on-sale alcohol outlet for every 2,898.5 residents) within Census Tract No. 3202.02.

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 (1) license for every 829.34 residents. Since the ratio of on-sale licenses within Census Tract No. 3202.02 is less than the ratio for Los Angeles County, Census Tract No. 3202.02 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 3202.02 and 3202.02 as one complete reporting area, referred to as San Fernando Police Department Track 2. Track 2 encompasses an area bounded by Hubbard Avenue to the west, Glenoaks Boulevard to the north, Arroyo Avenue to the east and the railroad tracks to the south. Based on the reporting data available from the San Fernando Police Department, from September 15, 2015 to September 22, 2016, 32 percent of all incidents reported were generated from Track 2. Based on the data, Track 2 does not have an undue concentration as it pertains to a greater number of reported crimes.

Notwithstanding with the aforementioned data, the State of California Alcoholic Beverage Control Act does not required businesses manufacturing, wholesaling, or distributing alcoholic beverages, including micro-breweries with ancillary tasting facilities, to provide a finding for public convenience or necessity. These findings would be applicable to stand-alone establishments that are licensed to sell alcohol for on-site or off-site consumption

without manufacturing facilities. Therefore, 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 continued operation of a micro-brewery with ancillary taproom and associated complimentary commercial uses requires as part of the CUP amendment will not be requiring a public convenience and necessity statement. Thus, it is the Commission's determination 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 2016-004, subject to the conditions of approval attached as Exhibit "A".

PASSED, APPROVED AND ADOPTED this 4th day of October 2016.

THEALE E. HAUPT, CHAIRPERSON

ATTEST:

FEDERICO RAMIREZ, SECRETARY TO THE PLANNING
AND PRESERVATION COMMISSION

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

I, FEDERICO RAMIREZ, Secretary to the Planning and Preservation Commission of the City of San Fernando, do hereby certify that the foregoing Resolution was duly adopted by the Planning and Preservation Commission and signed by the Chairperson of said City at a meeting held on the 4th day of October 2016; and that the same was passed by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

FEDERICO RAMIREZ, SECRETARY TO THE PLANNING AND
PRESERVATION COMMISSION

EXHIBIT "A"
CONDITIONS OF APPROVAL

- PROJECT NO.** : **Conditional Use Permit 2016-004**
(Amendment to CUP 2013-011)
- PROJECT ADDRESS** : 421 and 425 Park Avenue, San Fernando, CA 91340
(Los Angeles County Assessor's Parcel No.: 2519-021-030)
- PROJECT DESCRIPTION** : The proposed project is a request for approval of a Conditional Use Permit (CUP) to allow for the continued operation of Street Sign Brewing Company, a small beer manufacturer/micro-brewery at 421 and 425 Park Avenue.
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 October 4, 2016, except as herein modified to comply with these Conditions of Approval.
 2. Indemnification. The property owner and the project applicant (San Fernando Brewing Co.) shall indemnify, protect, hold harmless and defend the City and any agency or instrumentality thereof, and/or any of its officers, employees and agents from any and all claims, actions, or proceedings against the City to attack, set aside, void, annul, seek monetary damages resulting from an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board or legislative body including actions approved by the voter of the City, concerning the entitlement application. City shall promptly notify both the property owner and developer of any claim, action, or proceeding to which this condition is applicable and shall further cooperate fully in the defense of the action. The City reserves its right to take any and all action the City deems to be in the best interest of the City and its citizens in regard to such defense. The property owner and developer shall defend, indemnify and hold harmless the City for all costs and fees incurred in additional investigation or study of, or for supplementing, redrafting, revising, or amending, any document (such as an environmental impact report or related environmental assessment) if made necessary through the initiation of the project.
 3. Licensing. The Planning and Preservation Commission's approval of Conditional Use Permit shall allow the project applicant to apply for modification of their existing Type 23 (Small Beer Manufacturer) license with the California Department of Alcoholic Beverage Control (ABC). In addition, the applicant shall be required to secure any required permits from the United States Alcohol and Tobacco Tax and Trade Bureau (TTB). Copies of all secured licenses and permits issued by ABC and TTB shall be submitted to the Community Development Department.
 4. General Conditions. In addition to those conditions of approval, which the Planning and Preservation Commission may otherwise impose, the operation of the micro-brewery shall be subject to the following general conditions:
 - a. No display or sale of alcoholic beverages shall be made from an ice tub. An "ice tub" is a vessel

filed with ice that displays single servings of alcoholic beverages for customer self-service.

- b. No sale of alcoholic beverages shall be made from a walk-up or drive-in window.
- c. Alcoholic beverages and non-alcoholic beverages shall be stocked and displayed separately.
- d. Beverages sold “to-go” (for off-site consumption) shall not be allowed to be consumed on the premises.
- e. There shall be no “happy hour” for selling discounted alcoholic drinks.
- f. The following signs shall be conspicuously posted onsite:
 - 1. Exterior signs referencing Penal Code § 602.1. Such signs shall be clearly visible from the establishment's parking area and shall include the police department's phone number.
 - 2. 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.
 - 3. All minors attending the facility must be accompanied by a parent and/or legal guardian at all times.
- g. Exterior public telephones that permit incoming calls shall not be located on the premises.
- h. Electronic games, including video games, shall not be located on the premises.
- i. 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.
- j. 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.
- k. 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.
- l. The exterior of the establishment, including all signs, accessory buildings and structures shall be maintained free of litter and graffiti at all times. All graffiti shall be removed from the premises within 24 hours of its discovery.
- m. Violation of, or noncompliance with, any of the conditions shall constitute grounds for revocation of the CUP.
- n. Expansion or enlargement of the business premises over the life of the structure or the use shall be subject to the CUP approval process.
- o. Retail sales of merchandise associated with San Fernando Brewing Company are allowed.

- p. Vending machines with pre-packaged foods only are allowed to be installed within the taproom. Vending machines with e-cigarettes and cigarettes or other smoking and tobacco products are not allowed.
 - q. Pets shall not be allowed within the taproom and beer manufacturing facility unless it is permitted by the California Retail Food Code or other applicable laws.
5. Permitted Hours of Operation. The business hours of micro-brewery taproom shall adhere to the approved hours adopted by the Planning and Preservation Commission on October 4, 2016 as part of this Conditional Use Permit 2016-004. The approved hours of operation of the taproom are as follow:
- ✓ Monday to Thursday – 11:00 A.M. to 12:00 P.M.
 - ✓ Friday to Sunday – 10:00 A.M. to 12:00 P.M.

Last call for the purchase of alcoholic beverages shall be called 45 minutes before the close of business. No consumption of alcohol shall occur beyond the taproom hours of operation (i.e., 12:00 A.M.). All patrons shall leave the premises at the close of the hours of operation.

Sale of beer to licensed resellers may occur during the normal business hours of the brewery. The sale of beer for on-site and off-site consumption shall strictly remain an ancillary use to the manufacturing of beer at the subject property. Any subsequent request to modify the approved hours of operation shall require the review and approval of the Planning and Preservation Commission.

6. Special Events and Live Entertainment. A total of six (6) special events per year, with no quarterly time restrictions. Beer sales in the parking area shall only occur as part of a special event permit (per ABC rules). The provisions for live music and entertainment will still be limited to special events only. Unless otherwise approved by the City as part of a special event permit application, all live music and entertainment shall occur within the confines of the building, only during normal business hours, and comply with the City's noise ordinance. Recorded music may be played in the establishment through a stereo system or similar equipment at all times during normal business hours subject to ongoing compliance with the City's Noise Ordinance.

Depending on the size and magnitude of the special event, which may include use of the entire on-site parking facility for outdoor entertainment, dining, and other non-parking activities, the project applicant/business owner may be required as a condition of a city-approved special event permit to obtain off-street parking equal to the number of parking spaces currently on-site. The off-site parking shall be located in the immediate vicinity (i.e., within 600-feet) of the subject property in order to ensure that sufficient parking is available to special event attendees. The off-street parking facilities shall be reviewed and approved by the chief of police and the chief planning official prior to the approval of any special event permit application. In addition, the business owner/project applicant shall advertise the location of the off-street parking facilities being used for the special event via printed signs and flyers for the event as well as through any social media outlets used to advertise said event. At no time shall total occupancy for the taproom and the portion of parking area exceed the allowable occupancy determined by the City's Building and Safety Supervisor and the City of Los Angeles Fire Inspector reviewing and approving the special event permit site plan.

7. Food Trucks and Similar Purveyors of Food. Unless provided for by the City as part of an approved special event permit, on-site food trucks and similar purveyors of food shall be limited to one operator on the site during normal business hours of the taproom. In addition, all the operators of food trucks and similar food purveyors shall obtain all required City and County of Los Angeles permits including, but not limited to: a City Business License and provide proof of all health and safety permits required by the Los Angeles County Department of Public Health (e.g., Environmental Health Division).
8. San Fernando Police Contract. The San Fernando Police Department personnel shall be contracted for onsite services during the operation of each of the requested Special Events.
9. Minors. All minors in taproom area and/or attending a special event in the parking area must be accompanied by a parent and/or legal guardian at all times. Signage noting this requirement and all other provisions for minimum drinking age shall be posted throughout the site in accordance with Condition of Approval number 3.
10. Compliance with Federal, State, and Local Regulations. The applicant and any future successors shall comply with all applicable Federal, State, and local regulations pertaining to the manufacturing, sale (retail and wholesale), and distribution of beer.
11. Signage. Any future proposed signage shall comply with the City's applicable sign regulation and shall require the submittal, review, and approval of a sign permit application prior to the placement or any signage on the property.
12. Surveillance. A security camera system 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 in the event of incident at or near the subject property. The system must be capable of producing retrievable images on film or tape that can be enlarged through projection or other means. The video or digital recordings generated by the system shall be maintained for a period of 30 days. Special security measures such as security guards, door monitors, and burglar alarms systems may be required as a condition of approval with final determination made by the chief of police and the chief planning official on a case-by-case basis.
13. Revocation. Violation of, or noncompliance with, any of these conditions of approval may 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 associated with the operation of the micro-brewery, 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.

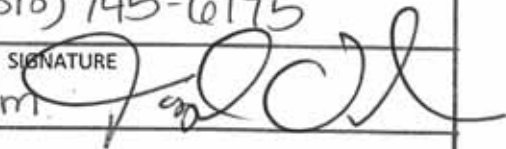
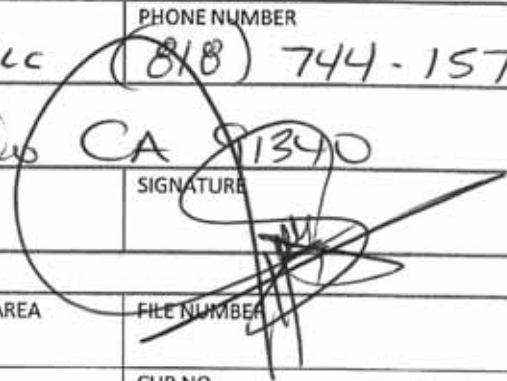
14. Lighting. Adequate lighting shall be provided within the parking lot of the subject property. All exterior lighting shall be decorative cut-off fixtures (where no light is emitted above the horizontal plane) with the light source fully shielded or recessed to preclude light trespass or pollution up into the night sky. Also, any building-mounted luminaries shall be attached to walls or soffits, and the top of the fixture shall not exceed the height of the roof. All proposed light fixtures shall be designed in a manner that is consistent with the overall design of the building and shall not disturb or create glare towards neighboring properties. In addition, any decorative uplighting, such as those that illuminate building facades or landscaping, shall be operated on timers that turn off illumination no later than 12 midnight, nightly. The Community Development Department shall review and approve all light fixtures prior to installation. In addition, all lighting shall also comply with the following requirements:
 - a) The equivalent of one foot-candle of illumination shall be provided throughout the parking area;
 - b) All lighting shall be on a time-clock or photo-sensor system;
 - c) All lighting shall be designed to confine direct rays to the premises. No spillover beyond the property line shall be permitted; and,
 - d) All lighting shall consist of metal halide type lighting or similar. Illumination shall not include low or high pressure sodium lighting.
15. Trash Enclosure. The applicant shall construct a new trash enclosure on the subject property and ensure that all trash bins are kept free of trash overflow and maintained in a clean manner at all times. Litter and trash receptacles shall be located at convenient locations both inside and outside the

establishment, and trash and debris shall be removed on a daily basis.

16. 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.
17. Graffiti Removal. Unless otherwise specified in the conditions of approval, the property owner(s), operator and all successors shall comply with the graffiti removal and deterrence requirements of the San Fernando City Code. The property owner(s), operator and all successors shall provide for the immediate removal of any graffiti vandalism occurring on the property and, where applicable, the restoration of the surface on which the graffiti exists. Such restoration shall entail repainting or refinishing of the surface with a color or finish that matches the color or finish of the remaining portions of the structure being painted, and including treatment of the surface or site with measures to deter future graffiti vandalism as approved or required by the community development department. Unless removed by the property owner or their designee within the specified time frame required by city code, property owner(s), operator and all successors shall grant the right of access to authorized agents of the City of San Fernando to remove graffiti from any surface on the property that is open and accessible from city property or public right-of-way, at the expense of the owner(s) or operator and all successors.
18. Site Inspections. The Community Development Department shall have the authority to inspect the site to assure compliance with these conditions of approval. The applicant 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.
19. Modifications. Unless the chief planning official deems a proposed change to the approved plans and operation a minor modification, any and all other modifications to the development plan, including these conditions of approval, shall require review and approval by the Planning and Preservation Commission. Expansion or enlargement of the business activity beyond the thresholds permitted by this entitlement shall be subject to the CUP modification approval process.
20. Acceptance. Within thirty (30) days of approval of this conditional use permit, the applicant or their duly authorized representative 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.
21. 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.
22. Public Review of Conditions of Approval. A copy of these conditions of approval shall be retained on-site at all times during the hours of operation of the brewery and shall be made available for viewing upon public request or upon request by any city official and representative of ABC or TTB. Employees of the business shall not prohibit a request of the public to view the conditions of approval for this entitlement.
23. 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.

CONDITIONAL USE PERMIT APPLICATION

PROJECT INFORMATION			
SITE ADDRESS(ES) 425 Park Ave. San Fernando CA 91340			
ASSESSORS PARCEL NUMBER(S) "APN" 2519-021-030			
LOT SIZE 21,432 S.F.		EXISTING BUILDING (SQUARE FOOTAGE) 5700 Sq Ft.	
PROPOSED ADDITION (SQUARE FOOTAGE)		TOTAL PARKING SPACES (ON-SITE/OFF-SITE)	
PROPOSED USE(S)		LANDSCAPING (SQUARE FOOTAGE)	
PROJECT DESCRIPTION/TYPE OF CONDITIONAL USE PERMIT REQUEST <i>Include any additional information on separate sheet and attach to the back of this application</i> Addendum to existing C.U.P. Please see attached list of proposed changes and/or additions.			
APPLICANT INFORMATION			
APPLICANT NAME Street Sign Brewing Co. DBA: San Fernando Brewing Co.		PHONE NUMBER (818) 745-6175	
MAILING ADDRESS 425 Park Ave.			
FAX NUMBER N/A	EMAIL ADDRESS info@stvbrewing.com	SIGNATURE 	
PROPERTY OWNER INFORMATION			
PROPERTY OWNER NAME Jorge Nunez - 421 Park LLC		PHONE NUMBER (818) 744-1577	
MAILING ADDRESS 421 Park Ave San Fernando CA 91340			
FAX NUMBER N/A	EMAIL ADDRESS N/A	SIGNATURE 	
FOR OFFICE USE ONLY			
CUP APPLICATION \$ 3,005.00	ZONE M-1	GENERAL PLAN AREA	FILE NUMBER
AIMS SURCHARGE \$ 300.50	DATE FILED 7/14/16		CUP NO. 2016-004
ENVIRONMENTAL \$ 204.00			AIMS NO. PL1608441
NOTIFICATION \$ 120.00	ACCEPTED BY H. Quintana		CROSS REFERENCE
PUBLISHING \$ 600.00			SPR NO.
TOTAL FEE \$4,229.50			VAR NO.
COMMENTS			OTHER

Proposed Addendum to existing CUP for San Fernando Brewing Co.

- Allow food truck to operate within the parking lot.
- Taproom service hours to be extended to 10am – 2am, 7 days a week.
- Allow persons on site to be under 21 years old and remain.
- Allow the sales of pre-packaged foods, either through vending machines or counter service.
- Allow retail sales on site, i.e. merchandise.
- Number of special events to be increased to 12 per calendar year.
- Allow leagues within the building, i.e beer pong, darts, cornhole...
- Allow parking lot sales of beer as per ABC rules.
- Allow pets on the premises.
- All approved CUP for San Fernando Brewing Company ,425 Park Ave., San Fernando, CA 91340 to be extended to 421 Park Ave., San Fernando, CA 91340 for expansion.



Humberto,

Proposed Addendum to existing CUP for San Fernando Brewing Co.

Allow food trucks, carts or food vendors with valid city and county permits to operate within the parking lot. (see drawing AO for parking area designation)

Taproom hours to be: Monday-Thursday 11:00am-12:00am
Friday-Sunday 10:00am-12:00am

Allow all ages to enter and remain during business hours as long as minors are accompanied by an adult over the age of 21.

Number of special events to increase to 6 per calendar year. Such as, but not limited to: St. Patricks Day, Oktoberfest, Halloween, Christmas, Family Day, New Years, Independence Day, etc...

Allow leagues within the building. Such as, but not limited to: Darts, Cornhole, Chess, Trivia, etc...

Allow pets on the premises.

All approved CUP for San Fernando Brewing Company at 425 Park Ave., San Fernando, CA 91340 to be extended to 421 Park Ave., San Fernando, CA 91340 in the event of expansion. (See Drawing AO)

Thanks,
Joe Chouchanian
San Fernando Brewing Co.



September 28, 2016

The City of San Fernando Planning and Preservation Commission
117 Macneil Street
San Fernando, CA 91340

Re: Public Comment
Conditional Use Permit 2016-004
Street Sign Brewing Co.
425 & 421 Park Avenue
San Fernando, CA 91340

This statement is written with the intent to provide preliminary comment upon my reasons for opposing the proposed amendments to CUP 2013-011, detailed in CUP 2016-004, and to respectfully recommend that the members of the Planning and Preservation Commission of the City of San Fernando (Commission) do not approve the requested amendments.

On February 4, 2014 the Commission, after listening carefully to the concerns of city residents about granting a Conditional Use Permit (CUP) for Street Sign Brewing Co. (Street Sign), accepted CUP 2013-011 with several Conditions of Approval designed to alleviate those concerns.

Now, just two-and-a-half years later, Street Sign has returned to the Commission to request that it set aside those Conditions of Approval in favor of amendments that dramatically change the originally approved operation of Street Sign's business model.

Street Sign was granted its CUP, per Resolution No. 2014-03, "to allow for the operation of a small beer manufacturer/micro-brewery at the subject property located at 425 Park Avenue...The proposed use would provide for the manufacturing, distribution, wholesale, and retail sale of beer for on-site and off-site consumption." Furthermore, the Conditions of Approval accepted by the Commission specifically stipulated that, "The sale of beer for on-site and off-site consumption **shall strictly remain an ancillary use to the manufacturing of beer at the subject property.**" (emphasis added)

The 10 proposed amendments (please see the outline at the end of this statement) are clearly designed to move Street Sign well beyond its approved business plan of manufacturing, distribution and wholesaling beer, with only ancillary retail sales for on-site and off-site consumption. Indeed, the request for an increased number of special entertainment events, to extend hours of operation, for the sale of alcohol and food outside on the premises parking lot – not to mention the request to allow minors onto the premises (can someone please tell me: *what is that* about?) – all of which point more to the retail activities of a high-traffic restaurant, bar or liquor store than to a manufacturing concern.

Such a change in Street Sign's business activities would be wholly incompatible with the surrounding neighborhood. It would not be an appropriate use for a small industrial park bordered by residential dwellings, a church, private day care centers, a community pool, a community center, a city park, and a junior high school.

In the City Planning Department's original report (Resolution No. 2014-03), it holds that the much-reduced hours of operation originally recommended (please see the outline at the end of this statement), limiting live music and entertainment at the business to four times a year, would provide safeguards "to prevent the proposed use from being turned into a bar or general off-sale liquor establishment and having impacts relating to public intoxication and potential violations of the City's noise ordinance". As always with such venues, there are the ever-present concerns regarding public safety, vagrancy, substance abuse, increased traffic, parking, noise and a decrease in public decorum.

I would, again, respectfully recommend that the Commission not approve the proposed amendments but adhere to its original Conditions of Approval. The Commission at that time astutely recognized the importance of restricting Street Sign's retail footprint to an area safely and quietly within the confines of its commercial building. By doing so the Commission successfully minimized the impact of Street Sign's retail operations upon the nearby residential, ecclesiastic, recreational and educational communities.

Thank you for your time and consideration.

Sincerely,
Stephen J. Klenk
663 Fourth St.
San Fernando, CA 91340
(818) 361-8507

Proposal to amend CPU 2013-011 to:

1. Expand manufacturing, production, wholesale and distribution into the building next door – 421 Park Ave.

Currently approved condition:

Sale of beer to licensed resellers may occur during the normal business hours of the brewery.
The sale of beer for on-site and off-site consumption shall strictly remain an ancillary use to the manufacturing of beer at the subject property.

2. Increase hours and days of operation of the ancillary tap rooms for tastings (as permitted by ABC for craft breweries) to be extended to:

Monday – Thursday: 11am – midnight
Friday – Sunday: 10am – midnight

Currently Approved Hours of operation:

Monday to Saturday – 7:00 A.M. to 11:00 P.M.

Sunday – 8:00 A.M. to 8:00 P.M.

Furthermore, the sale of beer to the general public (persons other than licensed resellers) for on-site or off-site consumption shall commence no earlier than 12:00 P.M. daily. Sale of beer to licensed resellers may occur during the normal business hours of the brewery. ***The sale of beer for on-site and off-site consumption shall strictly remain an ancillary use to the manufacturing of beer at the subject property.*** Modification of the approved hours of operation shall require the review and approval of the Planning and Preservation Commission. (emphasis added)

Originally Recommended Hours of Operation (PPC Resolution No. 2014-03):

Monday to Thursday - 10:00 A.M. to 9:00 P.M. from,
Friday and Saturday - 10:00 A.M. to 10:00 P.M.
Sunday 10:00 A.M. to 8:00 P.M.

According to the Planning Department, the originally recommended hours of operation "would assist in mitigating potential adverse impacts to neighboring residential property. In addition, the recommended conditions limiting live music and entertainment to only special events four (4) time a year, would provide safeguards to prevent the proposed use from being turned into a bar or general off-sale liquor establishment and having impacts relating to public intoxication and potential violations of the City's noise ordinance."

3. Include the staging of a food truck on the premises

Currently approved condition:

Special Events. Special events shall be permitted a maximum of four (4) times in one (1) calendar year, on a quarterly basis. No music and entertainment is allowed outside the confines of the building and is ***not permitted to occur in the outdoor parking area of the subject property.*** All special events proposed at the subject site shall be reviewed by the City as part of the Special Event Permit application and review process. (emphasis added)

4. Allow minors on the premises

Currently approved condition:

General Conditions:

(f) **No one under 21 shall be allowed to enter the premises and remain.** Warning signs stating such shall be posted on the premises in locations approved by the Community Development Department.

(g) The following signs shall be conspicuously posted onsite:

b. 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.

5. Allow for the sale of pre-packaged foods

Currently no approval for the sale of pre-packaged foods

6. Allow for the retail sale of merchandise

Currently no approval for the sale of merchandise

7. Increase the number of special events to 6 per calendar year

Currently approved condition:

***Special Events.* Special events shall be permitted a maximum of four (4) times in one (1) calendar year, on a quarterly basis.**

8. Allow leagues to operate within the building

Currently no approval for the operation of "leagues" ("leagues" is not defined)

9. Allow parking lot sales of beer (per ABC rules)

Current approved conditions:

6. Music and Entertainment. Music and entertainment is permitted to occur during the normal operating hours of the brewery, as noted above in Condition No. 5. All music and entertainment shall be contained completely within the confines of the building and shall adhere to the City's noise ordinance. **No music or entertainment shall be permitted outside of the confines of the building and is not permitted to occur in the outdoor parking area of the subject property.**

7. Special Events. Special events shall be permitted a maximum of four (4) times in one (1) calendar year, on a quarterly basis. **No music and entertainment is allowed outside the confines of the building and is not permitted to occur in the outdoor parking area of the subject property.** All special events proposed at the subject site shall be reviewed by the City as part of the Special Event Permit application and review process.

10. Allow pets in the tap rooms located at 421 and 425 Park Avenue

Currently no approval to allow "pets" in the tap rooms ("pets" is not defined)



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, October 4, 2016

TIME: 6:30 p.m.

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

PROJECT LOCATION: 421 & 425 Park Avenue, San Fernando, CA 91340
(Los Angeles County Assessor's Parcel No: 2519-021-030)

APPLICATION: Conditional Use Permit 2016-004

PROJECT PROPONENT: Street Sign Brewing Co., 425 Park Avenue, San Fernando, CA 91340

PROJECT DESCRIPTION:

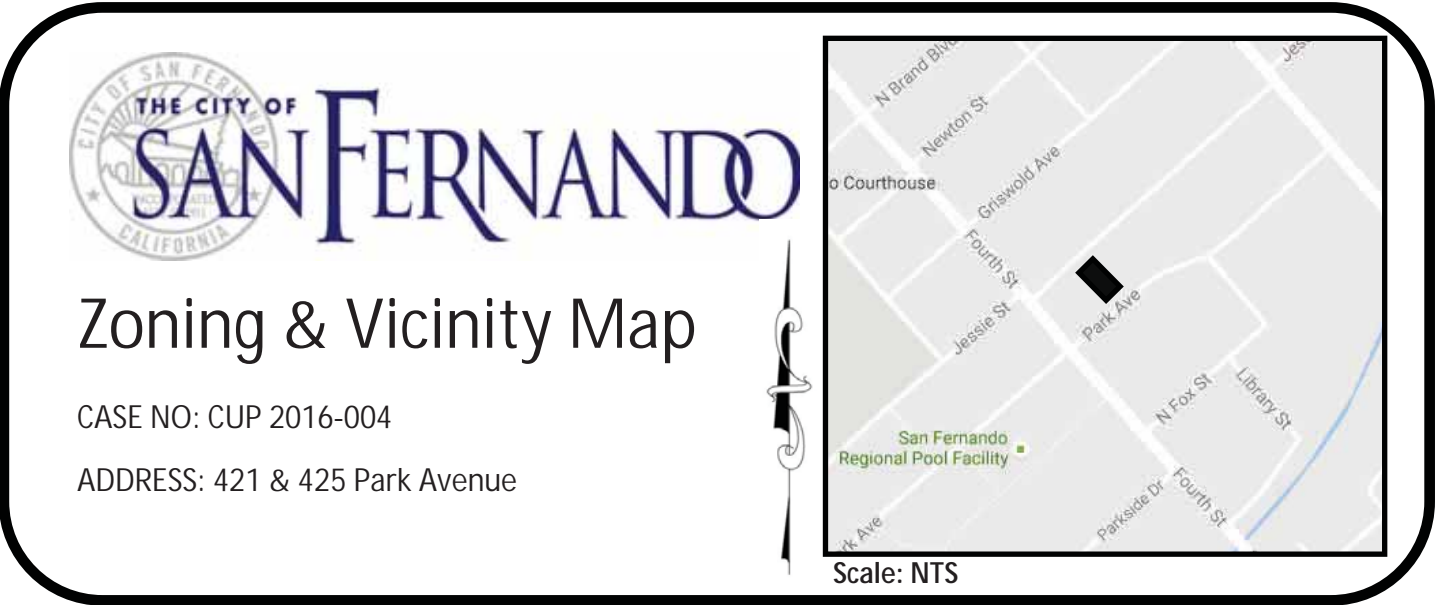
The project is a request for approval of Conditional Use Permit (CUP) 2016-004 (amending previously approved CUP 2013-011) in order to allow an existing beer manufacturer/micro-brewery use to expand its manufacturing, production, wholesale/distribution, and on-site sale of craft beer. The CUP amendment would allow San Fernando Street Sign Brewing Co. to expand into the neighboring industrial space (421 Park Ave.) under their existing Type 23 ABC license; modify the hours and days of operation of the ancillary tap room for tastings (as permitted by ABC for craft breweries), allowing the brewery to be open: Monday through Thursday from 11:00am to 12:00am and Friday through Sunday from 10:00am to 12:00am. As part of the CUP request, the applicant is seeking approval of the following ancillary commercial uses: the on-site staging of a food trucks or similar purveyors of food; conditionally allow minors on the premises; allow for the sale of pre-packaged foods; continue to allow for the retail sale of merchandise; provide for six (6) special events per calendar year with associated beer sales in the parking area (per ABC rules); allow beer leagues to operate; and allow pets in the tap room. The approval of CUP 2016-004 is for the subject property at 421 & 425 Park Avenue located within the M-1 (Limited Industrial) Zone.

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

If you wish to challenge the action taken on this matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of San Fernando at, or prior to, the public hearing.

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

FRED RAMIREZ
Community Development Director





View of 425 Park Avenue looking North from Park Avenue



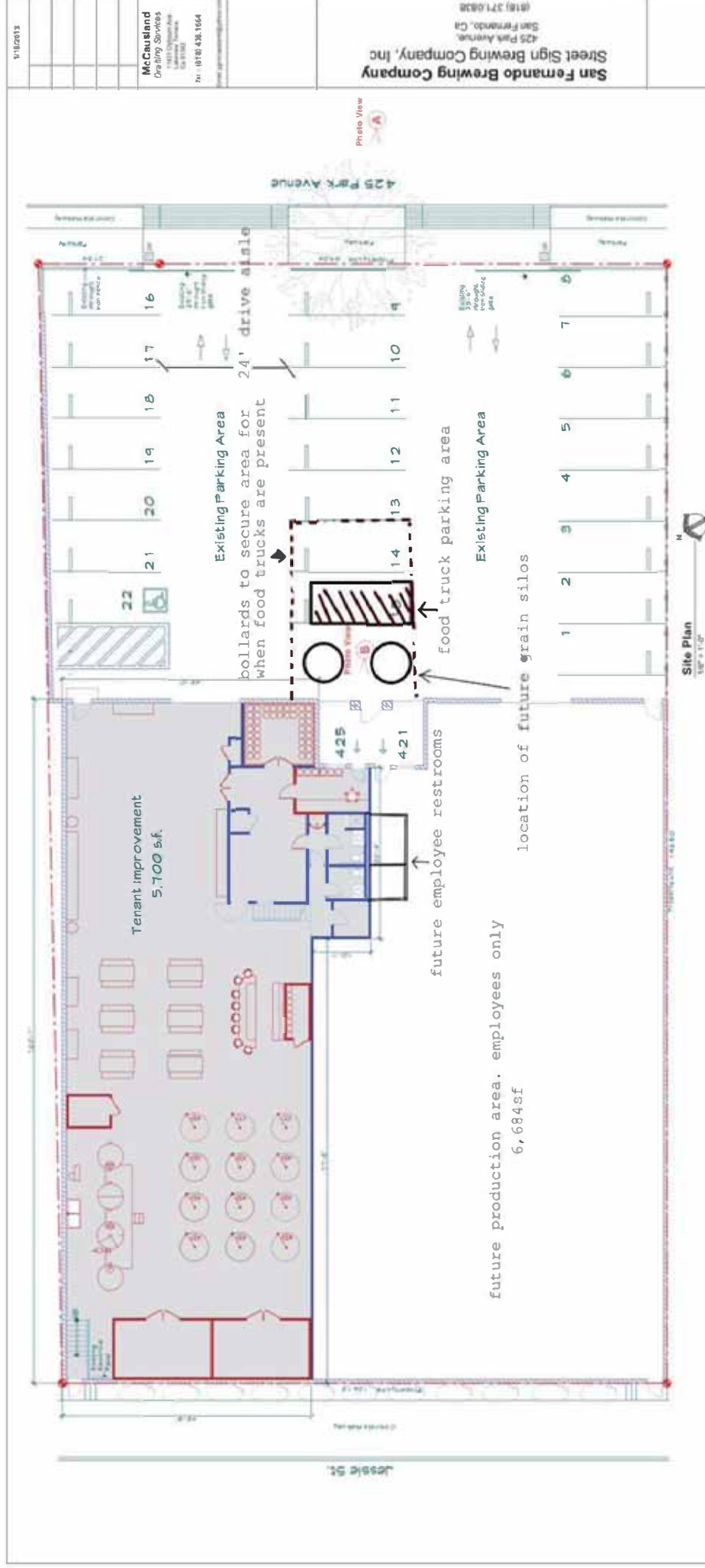
View of 421 Park Avenue looking North from Park Avenue



Subject Site Photos

CASE NO: CUP 2016-004

ADDRESS: 421 & 425 Park Avenue



Conditional Use
Permit Application

AO

amended 6/25/2016

Aerial

Street View

Common Entrance

PROJECT SUMMARY

Tenant:	Street Sign Brewing Co. Inc. DBA: San Fernando Brewing Co.
Project Owner's	Mr Jorge Nunez
Project Address:	435 4th Avenue, San Fernando, Ca
Assessor's ID Number:	2514021030
Lot size:	21,432 s.f
Tenant's square footage:	8,700 s.f

Scope of work:
Conditional Use Permit Request for Ancillary Testing
are under License type ABC 23 for micro brewer
production of craft beer.

Site Plan
1" = 1'-0"





MEETING DATE: October 4, 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 Approve:

“I move to receive and file the attached report updating the Commission on the various housing types and applicable local, State, and Federal regulations; and based on the Commission’s assessment I move to also recommend adoption of the attached Resolution of Intention (Attachment No. 1) directing City Planning Staff and the City Attorney to begin the preparation of a draft Ordinance amending the City’s Zoning Ordinance related to housing types and applicable developed standards.” (Roll Call Vote)

b. To Deny:

“I move to receive and file the attached report updating the Commission on the various housing types and applicable local, State, and Federal regulations; and based on the Commission’s assessment I move to not recommend adoption of the attached Resolution of Intention (Attachment No. 1).” (Roll Call Vote)

c. To Continue:

“I move to continue the discussion on this item, to a date specific date...” (Roll Call Vote)

Moved: _____

Seconded: _____

Roll Call: _____

ITEM 2:

UPDATE REGARDING VARIOUS HOUSING TYPES



AGENDA REPORT

To: SAN FERNANDO PLANNING AND PRESERVATION COMMISSION

From: Fred Ramirez, Community Development Director
Assistant City Attorney Joaquin Vasquez

Date: October 4, 2016

Subject: **Update regarding Various Housing Types and Applicable Local, State and Federal Regulations**

LOCATION: City-wide

PROPOSAL: Review of existing City zoning regulations related to various housing types currently permitted and conditionally permitted in the City's Zoning Code and review applicable local, State, and Federal regulations that affect the City's review and permitting of said housing types.

APPLICANT: City of San Fernando, Community Development Department, 117 Macneil Street, San Fernando, CA 91340

RECOMMENDATION:

It is recommended that the Planning and Preservation Commission:

- a. Review the update regarding various housing types and applicable local, State, and Federal regulations and provide City Planning Staff and the City Attorney with direction on any further analysis and/or preparation of a possible City Zoning Text Amendment; and
- b. If determined that a zone text amendment is needed, then adopt the attached Resolution of Intention (Attachment No. 1) directing City Planning Staff and the City Attorney to begin the preparation of a draft Ordinance amending the City's Zoning Ordinance related to housing types and applicable developed standards.

BACKGROUND

1. In 2007 the State legislature enacted SB 2 (Cedillo), which requires local jurisdictions to incorporate policies into their general plan housing elements to permit the establishment of: Single Room Occupancy residential units ("SRO"), allow manufactured housing, community care facilities, emergency homeless shelters, transitional and supportive

housing as permitted or conditionally permitted uses in specified zoning districts and to amend local ordinances to implement such policies.

2. In April 2009, the City Council adopted the 2008-2014 General Plan Housing Element that includes Housing Implementing Program No. 11 (Zoning Ordinance Revisions). The noted housing program provided for the amendment of “the [city’s] zoning ordinance by December 2009 to make explicit provisions for manufactured housing, community care facilities, SROs, transitional and supportive housing, and emergency shelters. Develop objective standards to regulate emergency shelters as provided under SB 2.” (2008-2014 Housing Element Objective; 2008-2014 Housing Element, V-16 (Housing Plan).) In addition, the housing element provided for the identification of manufactured housing as a permitted use in residential zoning districts.
3. On January 8, 2013, the Planning and Preservation Commission (the “Commission”) adopted Resolution No. 2013-01, recommending to the City Council approval of Ordinance No. 1625 (the “Ordinance”). The Commission determined that the Ordinance was consistent with the City of San Fernando 2008-2014 housing Element Work Plan, Housing Implementation Program No. 11, which provides zoning ordinance revisions in order to facilitate the provision of a variety of housing types to meet the housing needs of all economic segments of the community. The city-adopted zoning revisions include:
 - Identification of manufactured housing as a permitted use in the city’s residential zones;
 - Identification of appropriate residential zones for community care facilities with seven or more occupants, subject to a conditional use permit;
 - Identification of SROs as a conditionally permitted use in the C-1 (Limited Commercial) and C-2 (Commercial) zones subject to new development standards;
 - Addition of transitional and supportive housing to the definitions section and listing them as a permitted uses within the city’s residential zones; and,
 - Identification of emergency homeless shelters as permitted uses in the M-2 (Light Industrial) zone. (2008-2014 Housing Element Objective; 2008-2014 Housing Element, V-15 (Housing Plan).)
4. On March 18, 2013, the City Council adopted Ordinance No. 1625, “An Ordinance of the City of San Fernando Amending Article 1 of Chapter 106 to define Single Room Occupancy Unit, Community Care Facilities, Emergency Homeless Shelters, Manufactured Housing, Transitional Housing and Supportive Housing and Amending Article III of Chapter 106 to Provide that Emergency Shelters are Permitted Uses in the M-2 Light Industrial Zone with Applicable Development Standards, Single Room Occupancy as Conditionally Permitted Uses in the C-1 and C-2 Commercial Zones, Community Care Facilities of Seven or More Persons as Conditionally Permitted Uses in all Residential Zones, and that Manufactured

Housing, Transitional and Supportive Housing are and shall be treated as Residential Uses Applicable to the Type of Residential Structure or Use Involved” (Attachment No. 2).

5. On September 10, 2013, the Planning and Preservation held a noticed public hearing at which time the Commission reviewed and subsequently approved Resolution Nos. 2013-09 and 2013-10 that recommended adoption of a Density Bonus Ordinance (Zoning Text Amendment 2013-01) and a Reasonable Accommodation Ordinance (Zoning Text Amendment 2013-02) in order to implement General Plan Housing Element, Implementation Program No. 9 and applicable State laws.
 - a) Pursuant to Government Code Section 65915(a), all cities are required adopt a density bonus ordinance that complies with the requirements of state housing law. Cities that do not adopt a density bonus ordinance, however, are not relieved from compliance with state law and are required to grant a density bonus under the applicable regulations of the State. Subject to provisions of the proposed code (e.g., qualifying criteria, affordability term, amount of density bonus, level of affordability, et cetera.), the City’s Density Bonus Ordinance allows housing developers with qualifying residentially-zoned or mixed-use properties to request an increase in density above the maximum permitted density under a subject properties zoning designation.
 - b) Pursuant to the Federal Fair Housing Amendments Act of 1988 and State Fair Employment and Housing Act, cities and counties are prohibited from discriminating against individuals with disabilities through land use and zoning decisions and procedures. More specifically, fair housing laws require that cities and counties provide individuals with disabilities or developers of housing for people with disabilities, flexibility in the application of land use and zoning and building regulations, practices and procedures.

The City’s Reasonable Accommodation Ordinance provides individuals with disabilities the ability to request reasonable accommodation in the application of the city’s rules, policies, practices and procedures, as necessary to ensure equal access to housing, pursuant to Federal and State fair housing laws. The City’s Reasonable Accommodation Ordinance provides an administrative process for individuals with disabilities to make requests for, and be provided, reasonable accommodation, when reasonable accommodation is warranted based upon sufficient evidence, from the various city laws, development standards, rules, policies, practices and/or procedures of the City, including land use and zoning regulations.

6. On October 21, 2013, the City Council held a noticed public hearing and subsequent to public review and comment adopted Ordinance No. 1628 (Density Bonus Ordinance), “An Ordinance of the City of San Fernando, California, Amending Chapter 106 (Zoning) of the San Fernando City Code to Establish Division 15 to Article VI to Create the Required

Regulations to Allow the City to Provide Increased Density for Housing Developments that Incorporate a Percentage of the Units of a Project as Affordable Units, As Required For Compliance with State Density Bonus Law". (Attachment No. 3.)

The City Council also adopted Ordinance No. 1629 (Reasonable Accommodation Ordinance) on October 21, 2013, "An Ordinance of The City of San Fernando, California, Amending Chapter 106 (Zoning) of the San Fernando City Code to Establish Division 16 to Article VI to Provide the Required Regulations to Allow the City to Review and Facilitate the Issuance of Reasonable Accommodations to Persons with Disabilities, as Required by Federal and State Housing Law". (Attachment No. 4.)

7. On April 5, 2016, Planning and Preservation Commission Kevin Beaulieu requested 'an update [to the Commission at a future meeting] on the Housing Element and the allowance for transitional housing and that these places be required to be owner occupied'. Since the item was not on the agenda no action was taken by the Commission.
8. On August 2, 2016, City Planning Staff notified the Commission as part of the staff communication section of the Commission agenda that Commissioner Beaulieu's request for an update on Housing Element and State requirements for transitional housing uses for discussion at an upcoming meeting in order to focus City staff and City Attorney work to prepare a status report for commission consideration at a subsequent meeting. Based on the update from City Planning Staff, the Commission directed staff to place the item on an upcoming meeting agenda for discussion. This staff report is in response to the aforementioned Commission directive.

ANALYSIS:

Approved Zoning Text Amendments. As previously noted, City Ordinance No. 1625 (Attachment No. 1) was adopted by the City Council in order to ensure compliance with the City of San Fernando 2008-2014 housing Element Work Plan, Housing Implementation Program No. 11 and associated State and Federal regulations. (2008-2014 Housing Element Objective; 2008-2014 Housing Element, V-15 (Housing Plan).) The Ordinance included the following amendments to the City's Zoning Ordinance:

- Identified of manufactured housing as a permitted use in the city's residential zones (City Code Sections 106-352(5), 106-387(1) and 106-422(1);
- Identified residential zones as zoning districts where community care facilities with seven or more occupants, subject to a conditional use permit (City Code Sections 106-353(5), 106-388(1) and 106-423(1);

- Identified Single Room Occupancy uses ("SROs") as a conditionally permitted use in the C-1 (Limited Commercial) and C-2 (Commercial) zones subject to new development standards (City Code Section 106-488(3), 106-581(1) and Section 106-971 et. seq.);
- Added supportive and transitional housing to the definitions section (City Code Section 106-6) and listed them as a permitted uses within the city's residential zones (City Code Sections 106-352(10), 106-352(12), 106-387(1) and 106-422(1); and,
- Identified emergency homeless shelters as permitted uses in the M-2 (Light Industrial) zone (City Code Sections 106- 106-972 et. seq.).

Eligible household types. Per State law, populations eligible for the types of housing that were approved under City Council Ordinance No. 1625 include adults with low-income having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services under the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500 of the Welfare and Institutions Code) and may, among other populations, include families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, or homeless people.) *(Source: Chapter 633, Statutes of 2007 (SB 2); May 7, 2008 Department of Housing and Community Development Memorandum: Senate Bill 2—Legislation Effective January 1, 2008: Local Planning and Approval for Emergency Shelters and Transitional and Supportive Housing.)*

Eligible households for homeless shelters include single males or females, and families. They may include homeless population who are mentally ill, developmentally disabled, veterans, runaways or emancipated foster youth, substance abusers, survivors of domestic violence, and other subpopulations of homeless considered significant by the city.

Transitional housing may be designated for a homeless individual or families transitioning to permanent housing. This housing can involve single family homes, including group housing or multifamily units, and may include supportive services to allow individuals to gain necessary life skills in support of independent living.

Supportive housing has no limit on length of stay for individuals and includes persons living with mental disabilities, HIV/AIDS, substance abuse or chronic health conditions or persons whose disabilities originated before the person turned 18. Services typically include assistance designed to meet the needs of the housed persons in order to retain housing, live and work within the community, and/or improve health and may include case management, mental health treatment, and life skills education/training.

State and Federal law. California Government Code Section 655583 requires the city's housing element to identify adequate sites for a variety of housing types including factory-built/manufactured housing, transitional and supportive housing, single-room occupancy units ("SROs"), community care facilities for seven or more occupants, and emergency homeless

shelters. Government Code Section 65583(a)(4) requires a city to identify one or more zones where emergency homeless shelters are allowed as permitted uses. The identified zone(s) must be able to accommodate at least one year-round emergency homeless shelter. Furthermore, Government Code Section 65583(a)(4)(D)(6), notes that “transitional and supportive housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in all the same zones.”

State law also notes that manufactured or factory-built housing shall be regulated in the same manner as conventional or “stick-built” structures. Specifically, Government Code Section 65852.3(a) requires that, with the exception of architectural design guidelines, manufactured housing shall only be subject to the same development standards applicable to conventional residential dwellings including, but not limited to, such things as building setbacks, accessory structures provisions, building height maximums, minimum on-site parking requirements, and lot coverage limitations.

Furthermore, Federal and State law prohibit discrimination by local government and individuals based on race, color, religion, sex, familial status, marital status, national origin, ancestry or mental or physical disability. California Government Code Section 65008 forbids discrimination against affordable or multi-family housing development proposals, developers or potential residents using planning and zoning powers. Agencies are prohibited not only from exercising bias based on race, sex, age or religion, but from discriminating against developments because the development is subsidized or to be occupied by low or moderate income persons.

Summary of Group Home Analysis.

The following section(s) provides a summary analysis prepared in collaboration with the City Attorney of licensed and unlicensed group homes, applicable court cases and/or decisions, and State and Federal regulations that may affect how the City may regulate said facilities currently and/or in the future as part of a possible Zoning Text Amendment per City Code Section 106-19.

(Much of this information being summarized in the subsequent sections is based on the following online sources: Barbara Kautz's presentation at Residential Recovery Conference (March 2, 2007), "Select California Laws Relating to Residential Recovery Facilities and Group Homes"; Mathew M. Gorman, Anthony Marinaccio and Cristopher Cardinale's The Public Law Journal Article, "Alcoholism, Drug Addiction, and the Right to Fair Housing: How the Fair Housing Act Applies to Sober Living Homes"; and T. Peter Pierce's presentation at the May 4, 2016 League of California Cities Opening General Session presentation: "Regulating Sober Living Homes and the Challenges of Implementing ADA & FHA"; August 2014 Western City Magazine (online edition), Christi Hugin Article: Sober Living Businesses in Residential Zones".)

LICENSED FACILITY

- Six or fewer: Treat such licensed facility as a single-family home or single dwelling unit in all zones. *State* distance requirements DO apply to community care facilities,

intermediate care facilities, and pediatric day health and respite care facilities (300 ft. each) and congregate living health facilities (1,000 ft.).

- Seven or more: If a licensed psychiatric facility, it *must* be permitted in any zone that permits nursing homes or hospitals by right or through a CUP. *City of Torrance v. Transitional Living Centers for Los Angeles, Inc.* (1982) 30 Cal. 3d 516. Other licensed facilities are often subject to a CUP and may not be permitted in certain zones. A facility may seek a reasonable accommodation to circumvent any adopted City CUP requirement.

UNLICENSED FACILITY

- Six or fewer: Treat such an **unlicensed** facility as a single-family home or single dwelling unit in all zones (same as licensed) due to equal protection and fair housing concerns if there are greater requirements for unlicensed homes than licensed facilities. However, there no California case law yet that specifically holds this. Playing devil's advocate, someone could assert that such unlicensed facilities require greater scrutiny and regulation since they are under no state licensing supervision.
- Seven or more: To stay out of trouble, we have to regulate the *use* and not the *user* of the facility. *City of Santa Barbara v. Adamson* (1980) 27 Cal.3d 123. We can regulate certain unlicensed facilities more strictly if we construe some as lodging/boarded houses instead of residences/single housekeeping units. We would have to make this distinction in our definitions to construe the latter as primarily commercial in nature. An AG opinion indicates that a facility is more likely to be considered a residence/single housekeeping unit if all residents are on the lease (with no occupancy terms), have free access to common areas, kitchen, etc., share normal household activities and determine the makeup of the household themselves (as opposed to the landlord) 86 Cal. Op. Att'y Gen. 30 (2003).

FEDERAL AND STATE FAIR HOUSING LAWS

Federal and State fair housing laws prohibit cities from discriminating against the disabled, including those individuals going through addiction recovery.

The federal Fair Housing Act (the "FHA") and California Fair Employment and Housing Act (the "FEHA") forbid land use actions that make housing "unavailable" or discriminate against certain protected classes. (42 USC § 3604; [Gov. Code, § 12955](#).) The FEHA and the FHA are interpreted similarly. *Keith v. Volpe* (1988) 858 F.2d 467. The Americans with Disabilities Act (the "ADA") also applies to local zoning ordinances and prohibits discrimination based on disability. *Bay Area Addiction Research & Treatment, Inc. v. City of Antioch* (1999) 179 F.3d 725. See also *Broadmoor San Clemente Homeowners Ass'n v. Nelson* (1994) 25 Cal.App.4th 1 (private restrictive covenants invalid to extent they discriminate against disabled persons).

Although many would not, at first glance, realize that a handicapped person includes one suffering from alcoholism or drug addiction, the FHA extends its protections to such persons. In binding Ninth Circuit held in 2000 that "[i]t is well established that individuals recovering from alcohol or addiction are handicapped under the Act [FHA]." *Corp. of Episcopal Church in Utah v. W. Valley City* 119 (200) F.Supp.2d 1215. Those that are in licensed detoxification facilities or recovering alcoholics or drug users who may live in "clean and sober" living facilities would qualify for this disability category. To constitute a FHA handicap, however, the person must not be currently abusing alcohol and/or drugs. The FHA expressly limits protections to not include "current, illegal use of or addiction to a controlled substance." (42 USC § 3602(h).)

THEORIES OF LIABILITY TO KEEP IN MIND

In general when evaluating existing and/or proposed changes to the City's zoning regulations related to permitted, conditionally permitted, and unpermitted housing types, fair housing claims in the land use context may include one or more of the following: facial discrimination; actions taken with discriminatory intent; facially neutral laws with a disparate impact; or failure to grant a reasonable accommodation.

Facial discrimination. An ordinance that discriminates on its face against a protected group (for instance, spacing requirements for homes serving the disabled) is permissible only if (1) the restriction benefits the disabled or (2) the restriction responds to legitimate safety concerns raised by the individuals affected rather than being based on stereotypes. *Community House, Inc. v City of Boise* (2006) 468 F.3d 1118.

In relation to "legitimate safety concerns," the courts have typically looked for police reports, incident reports, and similar documentation and are skeptical of testimony based on unsupported fears. See, e.g., *Community House*, 468 F.3d at 1126.

Actions taken with discriminatory intent. Intentional discrimination may be found if a land use decision was more likely than not motivated by a discriminatory reason. *Pacific Shores Props., LLC v City of Newport Beach* (2013) 730 F.3d 1142. Discriminatory comments from the public could form a basis for a successful challenge in court. More on this below.

Disparate impact. Courts may find a violation of a fair housing statute solely on the basis of the discriminatory impact of a city action on a protected class unless supported by adequate justification. See 24 CFR § 100.500 (defining "discriminatory effect" as either a disparate impact or creation of segregated housing patterns); *Keith v. Volpe* (1988) 858 F.2d 467, 485 (approval of freeway project without construction of replacement housing found to have discriminatory impact based on race and income); *Building Indus. Ass'n of San Diego v City of Oceanside* (1994) 27 Cal.App.4th 744, 770 (growth control initiative found to have discriminatory impact on low-income housing, even though it specifically exempted units dedicated for low-income persons).

Fair housing claims commonly accompany challenges brought by housing advocates and developers. In some cases, courts have been willing to ascribe discriminatory remarks made by the public to decision-makers. See *Community Hous. Trust v Department of Consumer & Regulatory Affairs* (DC 2003) 257 F.Supp.2d 208, 227 ("[A] decision made in the context of strong, discriminatory opposition becomes tainted with discriminatory intent even if the decision-makers personally have no strong views on the matter.") Decision-makers should distance themselves from discriminatory remarks made by the public regarding protected groups (racial and ethnic groups, religions, families with children, persons with disabilities) and affordable housing.

Failure to Grant a Reasonable Accommodation. Cities have an affirmative duty to make "reasonable accommodations" in their zoning and other laws when the accommodation is necessary to give disabled persons an equal opportunity to use and enjoy a home. (42 U.S.C. § 3604(f)(3)(B); Gov. Code, §12927(c)(1); *McGary v. City of Portland* (2004) 386 F.3d 1259.) The modification does not need to be given, however, if it would impose an "undue financial and administrative burden" on the city or fundamentally alter the city's zoning. 386 F3d at 1270. Before bringing a claim, a plaintiff usually must make a request for a reasonable accommodation and engage in an interactive process with the city, if a reasonable accommodation process is available. However, when an ordinance is facially discriminatory, there is no need to request a reasonable accommodation because the accommodation itself would be a fundamental alteration of the ordinance. *Bay Area Addiction Research & Treatment, Inc. v. City of Antioch* (1999) 179 F.3d 725.

TYPES OF FACILITIES UNDER THE PURVIEW OF STATE DEPARTMENT OF SOCIAL SERVICES

Community Care Facilities. Community care facilities are licensed by the California Department of Social Services (the "CDSS") or the Community Care Licensing Division (the "CCLD"). Community care facilities provide non-medical residential care, day treatment, adult day care, or foster family agency services for children and adults. (Health & Safety Code Section 1502(a).) The CCLD publishes a list of all licensed community care facilities on their website: <https://secure.dss.ca.gov/CareFacilitySearch/home/selecttype>. Examples include residential facilities, foster family homes, and adult residential facilities for persons with special health care needs.

With regard to licensing, a community care facility cannot operate without a license. (Health & Safety Code Section 1503.5(b).) In order to obtain a license, the applicant must show he or she has a reputable and responsible character, which is determined by evaluating employment history and character references, and obtaining a criminal record clearance based on fingerprints. Prior approval or denial of applications for other community care facilities and the financial ability of the applicant to maintain the facility according to acceptable standards are also considered. (Health & Safety Code Sections 1520, 1520.3, and 1522.) If the applicant's

background check indicates he or she has been convicted of certain crimes, the license will be denied unless an exemption applies. (Health & Safety Code Section 1522(a).) The license may be revoked at any time if the operator is convicted of certain serious crimes. (Health & Safety Code Section 1524(d).) Homeless shelters and homes that provide no care or supervision of its residents are not required to have a license as a community care facility. Health and Safety Code Section 1505 has a list of facilities that are also exempt from licensing requirements. Group homes, foster family agencies, and foster family homes have additional licensing requirements.

With regard to overconcentration and distance requirements, the CDSS can deny issuing a new license for a community care facility if the facilities are separated by less than 300 feet from any point on the outside wall of the buildings. (Health & Safety Code Section 1520.5.) The separation requirements do not apply to residential care facilities for the elderly, drug and alcohol treatment facilities, foster family homes, or transitional shelter care facilities. The CDSS is obligated to notify the City in writing at least 45 days prior to approving any community care facility license. Although a license may be approved that would cause "overconcentration" if there is a special local need, the CDSS cannot approve such a license if the City opposes its issuance. The separation requirements only apply to facilities of the same license type.

Residential Care Facilities for the Chronically Ill. Residential care facilities for the chronically ill are facilities with a maximum licensed capacity of 25. Care and supervision is provided to adults who have AIDS or HIV. (Health & Safety Code Section 1568.02.) A designated person in each region is responsible for all activities. A license is required for operation. (California code of Regulations Title 22, Section 87805.)

Residential Care Facilities for the Elderly. Residential care facilities for the elderly are housing arrangements for persons 60 years old or older. Residents must move in voluntarily. Residents may receive assistance with housework, meals, taking medication, managing money, or personal care. (Health & Safety Code Section 1569.2.) The facility must provide care and supervision, as well as assistance with daily needs of the residents. With regard to licensing residential care facilities for the elderly are licensed within the existing licensing structure of CDSS as a separate category with different regulations and requirements than other community based care facilities. (Health & Safety Code 1569.1(h).)

Community Living Support Services: Supportive Housing. Community living support services are chosen voluntarily by persons with disabilities to help them live independently. These services include assistance with finding housing. Supportive housing may not include any care or supervision. Persons with disabilities who live independently in supportive housing are tenants who hold a lease in their own name and are responsible for paying their own rent. Community living support housing is specifically excluded from the licensing requirements and regulations governing residential care facilities, so there is no oversight by CDSS. Instead, the person who provides the house is required to comply with all applicable state and federal landlord tenant laws. (Health & Safety Code Section 1504.5.) Supportive housing can sometimes be referred to

as a sober living environments, or SLEs, in which recovering alcoholics or drug addicts live together in a drug-free home.

TYPES OF FACILITIES UNDER THE PURVIEW OF STATE DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS/HEALTH AND HUMAN SERVICES AGENCY

The State Department of Alcohol and Drug Programs (the “ADP”) is within California’s Health and Human Services Agency. (Health & Safety Code Section 11750.) The ADP is a central information resource and, in collaboration with counties and providers of alcohol and other drug services, establishes community-based nonresidential and residential recovery programs to intervene and treat the problems of alcohol and drug abuse. (Health & Safety Code Section 11759.1.)

Residential Alcoholism or Drug Abuse Recovery or Treatment Facilities. These are facilities that provide 24-hour, residential, non-medical services for adults who are recovering from problems related to drugs or alcohol and who need treatment or detoxification services. These facilities may also accept emancipated minors and mothers with their children. (Health & Safety Code Section 11834.02.)

The ADP has the sole authority to license adult alcoholism or drug abuse recovery or treatment facilities. The license specifies the limits on the services that are provided by the facility and the limitations on who may be accepted to live in the residence. (Health & Safety Code Section 11834.10.) In order to accommodate adolescents, the staff at the facility must obtain a criminal record clearance. (California Code of Regulations, Title 9, Section 925.4.) No facility that provides recovery, treatment, or detoxification services may operate without a license. (Health & Safety Code Section 11834.30.) Facilities providing these types of services without a license can be fined by the ADP, and if necessary, can be required to discontinue services by court order. (Health & Safety Code Sections 11834.32 and 11834.34.) A license is valid for two years and there is at least one inspection during that time to ensure compliance. (Health & Safety Code Section 11834.16.) The license must be displayed in a conspicuous place visible when entering the facility.

In addition to licensing responsibilities, the ADP also provides certification of alcohol and drug programs that show substantial compliance with ADP standards. Certification is voluntary, is valid for up to two years, and must be renewed. Certification, or lack of certification, is for informational purposes only and does not constitute approval or disapproval by ADP. However, certification is required to receive state funds. (Health & Safety Code Sections 11830.01 and 11831.5.) The ADP can also certify CDSS licensed residential community care facilities that primarily serve adolescents and provide alcohol and drug recovery or treatment services. (Health & Safety Code Section 11831.5(f).)

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In order to promote coordination of efforts to address problems with alcohol and drug abuse, all alcohol and drug abuse programs must register annually with the local county. Registration does not constitute approval by any state or county officer employee or agency. (Health & Safety Code Section 11843 et seq.)

The following is a summary table of facilities types, their overseeing bodies, and applicable legal authorities:

FACILITY TYPE	RELEVANT CODE SECTIONS
DEPARTMENT OF SOCIAL SERVICES	
Community Care Facility <ul style="list-style-type: none">Residential FacilityAdult Residential Facility for Persons with Special Health Care NeedsCommunity Treatment FacilityFoster Family HomeSmall Family HomeSocial Rehabilitation FacilityTransitional Housing Placement FacilityTransitional Shelter Care Facility	Health and Safety Code Sections 1500-1567.5
Residential Care Facility for Persons with Chronic, Life-Threatening Illness	Health and Safety Code Sections 1568.01-1568.17
Residential Care Facility for the Elderly	Health and Safety Code Sections 1569-1569.889
Wards of the State	Health and Safety Code Sections 1567-1567.8
Hospice	Health and Safety Code Sections 1745-1759
DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS	
Residential Alcohol and Drug Abuse Recovery or Treatment Facility	Health and Safety Code Sections 11834.01-11834.50
Resident Run Housing Program	Health and Safety Code Sections 11755.2
DEPARTMENT OF PUBLIC HEALTH	
Intermediate Care Facility/Developmentally Disabled	

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Intermediate Care Facility/Developmentally Disabled-Habilitative	Health and Safety Code Sections 1265-1271.15
Intermediate Care Facility/Developmentally Disabled-Nursing	
RESIDENTIAL USE OF PROPERTY WITH NO DEPARTMENT OVERSIGHT	
Community Living Support Services	Health and Safety Code Sections 1504.5

KEY DISTINCTIONS BETWEEN SMALL AND LARGE CARE FACILITIES

Six or Fewer Residents. Small licensed facilities noted in the sections above and which serve six or fewer individuals must be treated by the City as single-family homes or single dwelling units for zoning purposes. Included are facilities for persons with disabilities and other facilities (Welfare & Inst. Code, § 5116), residential health care facilities (Health & Safety Code Sections 1267.8, 1267.9, & 1267.16), residential care facilities for the elderly (Health & Safety Code Sections 1568.083 - 1568.0831 and Sections 1569.82 – 1569.87), community care facilities (Health & Safety Code Sections 1518, 1520.5, 1566-1566.8, and 1567.1), pediatric day health facilities (Health & Safety Code Sections 1267.9; 1760 – 1761.8), and facilities for alcohol and drug treatment (Health & Safety Code Section 11834.23.)

Although there are not yet any cases that are specifically on point, it is prudent to treat unlicensed facilities of six or fewer residents as single-family homes or single dwelling units (same as licensed) to avoid fair housing and equal protection challenges, which arise when you treat similarly situated parties differently.

Seven or More Residents. The City has more discretion in regulating facilities that serve seven or more residents, since, as noted above, State law only protects licensed facilities serving six or fewer residents. Options include CUPs (which the City currently requires for large care facilities), special parking standards, or outright preclusion from certain zones. The City cannot require an annual review as a condition for a CUP for such facilities. *Turning Point, Inc. v. City of Caldwell* (1996) 74 F.3d 941. City is also required under State law to allow psychiatric care and treatment in any zone that permits nursing homes or hospitals by right or through a CUP. (Wel. & Inst. Code, 5120.)

The Commission may be interested in looking at drafting definitions to distinguish lodging houses from residences/single housekeeping units which allow for stricter regulation of these types of housing subject to ensuring that the new regulations comply with legal requirements established under the *Adamson* court case as it relates to excluding qualified households from these potential new regulations; key issue to keep in mind in drafting new zone code language is to focus new regulations on the use and not the occupants.

Housing Elements/Supportive Housing. As previously noted, State Housing element law was updated, effective January 1, 2008, to require cities and counties California to include in their housing element a program to remove constraints so that so-called “supportive housing” is treated like other residences of the same type. Thus, the City must treat “supportive housing” identically to other residences (single-family homes, duplexes, triplexes, etc.) in each zone.

“Supportive housing” is defined under Health and Safety Code Section 50675.14 as housing that:

- Does not limit stay duration;
- Is associated with offsite services to help residents improve health status, retain housing, and maximize his or her ability to live (and work, if possible) in the community; and
- Is occupied by the “target population,” which is low-income adults having one or more disabilities including mental illness, HIV or AIDS, substance abuse, or other chronic health problems.

If a group home constitutes “supportive housing,” then the City cannot deny it or add conditions that make the housing infeasible unless they can make any one of the five findings (Government Code Section 65589.5(d)):

1. The jurisdiction has met its low income housing needs;
2. The housing would have a specific, adverse impact on public health or safety, and there is no feasible way to mitigate the impact;
3. Denial is required to comply with state or federal law, and there is no way to comply without making the housing unaffordable;
4. The housing is proposed on land zoned for agriculture and is surrounded on two sides by land being used for agriculture, or there is inadequate water or sewer services; or
5. The housing is inconsistent with both the zoning and the land use designation of the site and is not shown in the housing element as an affordable housing site.

Furthermore, many group homes funded under the State’s mental health Services may in fact qualify as “supportive housing.”

Potential Zone Text Amendments:

1. Update of Section 106-6 (Attachment No. 5) related to existing City definitions for the various the types of housing uses already noted therein including:
 - *Boarding house and rooming house*
 - *Community care facility/large*
 - *Community care facility/small*
 - *Family day care home (large)*
 - *Family day care home (small)*
 - *Health care facility*
 - *Retirement home*

- *Single room occupancy unit (SRO)*
 - *Supportive housing*
 - *Transitional housing*;
2. Zone Text Amendment to allow the Large Community Care Facilities only in R-3 (Multiple Family) Zone subject to the City approval of a Conditional Use Permit and applicable development standards for similarly zoned R-3 zoned properties;
 3. Zone Text Amendment to establish new regulations for state-licensed facilities for the disabled and elderly and all unlicensed facilities for the disabled under the term "Residential Care Facilities";
 4. Zone Text Amendment to establish new regulations (including permits and processes) for unlicensed Residential Care Facilities of any size, and for licensed Residential Care Facilities (including Alcohol and Drug Treatment Homes) treating seven or more individuals; and

CONCLUSION:

Based on the Planning and Preservation Commission's review of the attached analysis and subsequent direction given to City Planning Staff and the City Attorney at the upcoming October 4, 2016 commission meeting (i.e., Adoption of the attached Resolution of Intention (Attachment No. 1)), City Planning Staff and the City Attorney will prepare draft language to be considered by the commission as part of a Zoning Text Amendment (City Code Sections 106-19 and 106-19(b)(1)).

Once the zoning text amendment is completed and a draft ordinance is prepared, City Planning Staff will schedule a public hearing to consider a proposed ordinance that amends the city's zoning code (City Code Section 106-19(d)). Prior to scheduling a public hearing on any proposed zoning text amendment affecting the previously noted housing types, City Planning Staff and the City Attorney will ensure General Plan and Zone Code consistency as well as compliance with any applicable State and Federal regulations.

ATTACHMENTS:

1. Planning and Preservation Commission Resolution 2016-011 (Resolution of Intention)
2. Ordinance No. 1625
3. Ordinance No. 1628
4. Ordinance No. 1629
5. Section 106-6 Excerpt noting existing housing definitions

RESOLUTION NO. 2016-011

**RESOLUTION OF THE PLANNING AND PRESERVATION COMMISSION
OF THE CITY OF SAN FERNANDO DECLARING ITS INTENTION TO
CONSIDER RECOMMENDING TO THE CITY COUNCIL A ZONE TEXT
AMENDMENT 2016-003, AMENDING PROVISIONS OF THE CITY
ZONING ORDINANCE RELATED TO VARIOUS HOUSING TYPES
PERMITTED AND CONDITIONALLY PERMITTED IN THE CITY'S
ZONING DISTRICTS AND THE ASSOCIATED DEVELOPMENT
STANDARDS FOR SAID USES AND MAKING RELATED FINDINGS
THEREWITH IN ORDER TO ENSURE ZONING CODE AND GENERAL
PLAN CONSISTENCY**

WHEREAS, pursuant to Government Code Sections 65800 and 65850, the City of San Fernando has adopted a Zoning Ordinance that regulates the uses of buildings, structures, and land as between industry, business, residences, and open space, and other purposes; to regulate the location, height, bulk, number of stories and size of buildings and structures, the size and use of lots, yards, courts and other open spaces, the percentage of a lot which may be occupied by a building or structure, and the intensity of land use; and to establish requirements for off-street parking, in compliance with the California Government Code; and

WHEREAS, Pursuant to Government Code Section 65853, Zone Text Amendment 2016-003, as contemplated, propose amending the Zoning Ordinance (Chapter 106 of the San Fernando City Code) for the purpose of further defining the various types of housing permitted and conditionally permitted within the City's zoning districts and providing and/or enhancing applicable development standards associated with said housing uses with the proposed zone text amendment applying to commercial, industrial, and residential zoned properties citywide; and,

WHEREAS, the Planning and Preservation Commission finds that current definitions of various housing types identified in the City's Zoning Ordinance should be updated to identify all primary and sub-categories of housing types allowed under local, state, and federal law and wherever possible enhance and/or establish development standards for said housing types that help prevent blight and the creation of public nuisances all the while preserving the small town character of the community; and

WHEREAS, the Planning and Preservation Commission finds that it serves the health, safety, and welfare of the community to update the City's Zoning Ordinance from time in order to ensure that all permitted and conditionally permitted housing types identified in the Zoning Ordinance are properly noted including updating of the definition of each housing type to provide greater clarity on primary and sub-categories of housing types as currently defined in the zoning code as well as the amendment and/or creation of development standards applicable to said housing types in a manner consistent with applicable local, state, and federal laws; and

WHEREAS, on October 4, 2016, the Planning and Preservation Commission held a properly noticed public meeting that included a commission study session at which it received a report and presentation from City Planning Staff and the City Attorney as well as oral and written testimony from the public, and deliberated on the item; and

WHEREAS, pursuant to City Code Section 106-19, the City may amend the Zoning Ordinance (Chapter 106) whenever required by public necessity, convenience and general welfare through a zone text amendment initiated by the City Council or the Planning and Preservation Commission through the adoption of a resolution of intention; and

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

SECTION 1: The Planning Commission finds that all of the facts set forth in this Resolution are true and correct.

SECTION 2: On October 4, 2016, the Planning and Preservation Commission held a duly noticed public meeting to conduct a study session in order to consider the proposed Zone Text Amendment 2016-003 with evidence, both written and oral, was presented during the study session.

A. The public meeting and associated study session afforded opportunities for public testimony and comments on the proposed Zone Text Amendment 2016-003.

B. Notice of the public meeting and associated commission study session on Zone Text Amendment 2016-003 was given pursuant to California Government Code Section 54954.2. The public notification was provided a minimum of 72 hours before the regular meeting of the Planning and Preservation Commission that was held on October 4, 2016 and contained a brief description of the public meeting item discussing the proposed study session on various permitted and conditionally permitted housing types identified in the City Zoning Ordinance and any proposed zone text amendments associated therewith including amendments to the definitions of said housing types and associated development standards as noted in Chapter 106 (Zoning) of the San Fernando City Code.

SECTION 3: Based upon substantial evidence presented to the Planning and Preservation Commission at their meeting and study session held on October 4, 2016, including public testimony, written materials and written and oral staff reports, with regard to the zone text amendment, the Planning and Preservation Commission concurred with the city planning staff's determination that preparation of Zone Text Amendment 2016-003 and future consideration of adoption and implementation of a proposed amendment of the City Zoning Ordinance does not have the potential to cause significant effects on the environment and is exempt from the California Environmental Quality Act ("CEQA"), pursuant to CEQA Guidelines Section 15061(b)(3). Specifically, the Planning and Preservation Commission agrees with City Planning Staff that the amendment of the San Fernando City Code to make clear the different types of housing permitted or conditionally permitted within the City's various zoning districts and providing where permissible by local, state, and federal law development standards for these housing types that preserve the small town character

of the community will not have a significantly adverse impact on the environment. Therefore, based on the evaluation of adverse impacts, it can be seen with certainty that there is no possibility that the proposed Zone Text Amendment 2016-003 will have a significant effect on the environment.

NOW, THEREFORE BE IT RESOLVED that pursuant to City Code Section 106-19(b)(1), the Planning and Preservation Commission adopts a Resolution of Intention (Planning and Preservation Commission Resolution No. 2016-011) in order to consider initiating amendments to the Zoning Ordinance of the City of San Fernando including amendments to Chapter 106 (Zoning) of the San Fernando City Code and therefore directs city planning staff and the city attorney to prepare a draft ordinance amending the City Zoning Ordinance.

AND BE IT FURTHER RESOLVED that pursuant to City Code Section 106-72 and in compliance with Government Code Sections 65090 and 65091, a notice of public hearing for the proposed Zone Text Amendment 2016-003, amending the City Zoning Ordinance will be advertised in a paper of general circulation a minimum of ten (10) days prior to the scheduled public hearing before the Planning and Preservation Commission on or after November 1, 2016.

(SIGNATURES ON THE FOLLOWING PAGE)

PASSED, APPROVED AND ADOPTED this 4th day of October 2016.

THEALE E. HAUPT, CHAIRPERSON

ATTEST:

FEDERICO RAMIREZ, SECRETARY TO THE
PLANNING AND PRESERVATION COMMISSION

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

I, FEDERICO RAMIREZ, Secretary to the Planning and Preservation Commission of the City of San Fernando, do hereby certify that the foregoing Resolution was duly adopted by the Planning and Preservation Commission and signed by the Chairperson of said Planning and Preservation Commission at a meeting held on the 4th day of October 2016; and that the same was passed by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

FEDERICO RAMIREZ, SECRETARY TO THE
PLANNING AND PRESERVATION COMMISSION

ORDINANCE NO. 1625

AN ORDINANCE OF THE CITY OF SAN FERNANDO, CALIFORNIA AMENDING ARTICLE I OF CHAPTER 106 TO DEFINE SINGLE ROOM OCCUPANCY UNIT, COMMUNITY CARE FACILITIES, EMERGENCY HOMELESS SHELTERS, MANUFACTURED HOUSING, TRANSITIONAL HOUSING AND SUPPORTIVE HOUSING AND AMENDING ARTICLE III OF CHAPTER 106 TO PROVIDE THAT EMERGENCY SHELTERS ARE PERMITTED USES IN THE M-2 LIGHT INDUSTRIAL ZONE WITH APPLICABLE DEVELOPMENT STANDARDS, SINGLE ROOM OCCUPANCY AS CONDITIONALLY PERMITTED USES IN THE C-1 AND C-2 COMMERCIAL ZONES, COMMUNITY CARE FACILITIES OF SEVEN OR MORE PERSONS AS CONDITIONALLY PERMITTED USES IN ALL RESIDENTIAL ZONES, AND THAT MANUFACTURED HOUSING, TRANSITIONAL AND SUPPORTIVE HOUSING ARE AND SHALL BE TREATED AS RESIDENTIAL USES, SUBJECT ONLY TO THOSE RESTRICTIONS ON RESIDENTIAL USES APPLICABLE TO THE TYPE OF RESIDENTIAL STRUCTURE OR USE INVOLVED

WHEREAS, in 2007 the State legislature enacted SB 2, which requires local jurisdictions to incorporate policies into their General Plan Housing Elements to allow establishment of: Single Room Occupancy unit ("SRO"), Community Care Facilities, Emergency Homeless Shelters, and Transitional and Supporting Housing as permitted uses in specified zoning districts and to amend local ordinances to implement such policies; and

WHEREAS, the City Council adopted the General Plan Housing Element in April 2009, which includes Housing Program No. 11 (Zoning Ordinance Revisions) that would provide the appropriate definitions and regulations that would allow establishment of: SRO as a conditionally permitted use in the C-1 (Limited Commercial) and C-2 (Commercial) zones; Community Care Facilities with seven or more persons as a conditionally permitted use in all residential zones; Emergency Homeless Shelters as a permitted use in the M-2 (Light Industrial) zone, Manufactured Housing and Transitional Housing and Supportive Housing as permitted uses in all residential districts only subject to those development standards that apply to other residential uses of the same type in the same residential district; and

WHEREAS, on January 8, 2013, the Planning and Preservation Commission held a properly noticed public hearing at which it received a report from City staff as well as oral and written testimony from the public, and deliberated on the item. At that meeting, the Planning Commission recommended the City Council adopt the proposed zone text amendments in this Ordinance; and

WHEREAS, the City Council public hearing was noticed in accordance with the requirements set forth in Government Code sections 65090 and 65091.

THE CITY COUNCIL OF THE CITY OF SAN FERNANDO DOES ORDAIN AS FOLLOWS:

SECTION 1. The foregoing recitals are true and correct and made a part of this Ordinance.

SECTION 2. The City Council hereby finds as follows:

- a) **The proposed zone text amendment is consistent with the objectives, policies, general land uses and programs of the City's General Plan.**

The proposed text amendment to the San Fernando Municipal Code, which provides definitions and regulations for SROs in the C-1 (Limited Commercial) and C-2 (Commercial) zones, community care facilities with seven or more occupants in the City's residential zones, factory built or manufactured housing as a permitted use in all residential zones, and transitional housing and supportive housing within the City's residential zones is consistent with the objectives, policies, general land uses and programs of the City of San Fernando General Plan Housing Element. Per Housing Element Goal 2.0 and Policy 2.1, the proposed zone text amendment is intended to provide adequate housing sites to facilitate the development of a range of residential development types in the city that fulfill regional needs. In addition, the proposed zone text amendment ensures the city attains its 2008-2014 Housing Element Objective to amend the zoning ordinance to make explicit provisions for manufactured housing, community care facilities, SROs, transitional and supportive housing, and emergency shelters while also developing objective standards for the regulation of emergency homeless shelters as provided for under SB2. Furthermore, providing the required definitions for SROs, community care facilities, emergency homeless shelters, transitional housing and supportive housing as well as establishing the applicable regulations for each proposed use within each specified zoning districts will allow a range of housing types within the City that meets the housing needs of all economic segments of the community while preserving the character of the existing residential neighborhoods and the affected commercial and industrial zoned districts.

- b) **The adoption of the proposed zone text amendment would not be detrimental to the public interest, health, safety, convenience or welfare.**

The proposed revisions to the city zoning ordinance would allow for the introduction of SROs, community care facilities for seven or more persons, factory built or manufactured housing, and transitional and supportive housing units in a manner consistent with the requirements of adopted State legislation while providing specific development standards that assure these new housing units are built in compliance with the City's zoning and building codes. Therefore, the proposed addition of definitions and associated regulations for SROs, community care facilities for seven or more occupants, factory built or manufactured housing, and transitional housing and supportive housing in the specified commercial, industrial or residential zoned districts will ensure the availability of housing for special needs groups within the community in a manner that will not be detrimental to the public interest, health, safety, convenience or welfare.

SECTION 3. Section 106-6, "Definitions," of the San Fernando City Code is hereby amended to revise the definition of "community care facility" providing definitions for "community care facility/large" and "community care facilities/small" and to add definitions for "child day care

facility”, “emergency homeless shelter,” “single room occupancy unit,” “supportive housing,” and “transitional housing,” as follows:

Community care facility/Large means any facility as defined in the Health and Safety Code Section 1502(a), which provides nonmedical care on a 24-hour a day basis to seven or more persons including, but not limited to persons with substance abuse illnesses, physically handicapped, mentally impaired, incompetent persons, and abused or neglected children. Large community care facility shall be considered a conditionally permitted use within all residential zoned districts.

Community care facility/Small means any facility as defined in the Health and Safety Code Section 1502(a), which provides nonmedical care on a 24-hour a day basis to six or less persons including, but not limited to persons with substance abuse illnesses, physically handicapped, mentally impaired, incompetent persons, and abused or neglected children. Small community care facility shall be considered a permitted use within all residential zoned districts.

Child day care facility means a facility that provides nonmedical care to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of individuals on a less than a 24-hour basis. Child day care facility includes day care centers, employer-sponsored child day centers, and family day care centers.

Emergency homeless shelter means housing with minimal supportive services for homeless persons that is limited to occupancy of six months per calendar year or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay. (Health and Safety Code Section 50801(e)). Supportive services may include, but are not limited to, meal preparation, an activities center, day care for homeless person’s children, vocational rehabilitation and other similar activities.

Single room occupancy unit (SRO) means any building containing five or more guestrooms or units intended or designed to be used, or which are used, rented, or hired out, to be occupied, or which are occupied, for sleeping purposes by residents, which is also the primary residence of those residents. The individual units shall lack either cooking facilities or individual sanitary facilities, or both. However, for purposes of this definition, an SRO does not include residential care homes, senior housing projects, rooming and boarding houses, hotels and motels, bed and breakfast lodging, extended care facilities or hospitals.

Supportive housing means housing with no limit on the length of stay and that is occupied by a target population as defined by Health and Safety Code Section 53260(d), as the same may be amended from time to time, and that provides a significant level of onsite and offsite services that assist the supportive housing residents in retaining the housing, improving their health status, maximizing their ability to live, and when possible, work in the community. Supportive housing shall be treated under this chapter as a residential use and shall be allowed as a permitted use in all residential zoning districts.

Transitional housing means housing operated under program requirements that call for 1) the termination of any assistance to an existing program recipient and 2) the subsequent recirculation of the assisted residential unit to another eligible program recipient at some predetermined future point in time, which point in time shall be no less than six months into the future (Health and Safety Code Section 50675.2(h)). Transitional housing may provide, but not be limited to, meals, counseling, and other services as well as common areas for residents. Transitional housing may be provided under all residential housing types. In all cases, Transitional housing shall be treated as a residential use under this chapter and shall be subject only to those restrictions that apply to other residential uses of the same residential housing type located in the same zoning district.”

SECTION 4. Section 106-311, “Purpose,” and Sections 106-312 through 106-325, “Reserved,” of the San Fernando City Code are hereby amended to read as follows:

“Secs. 106-311—106-325. Reserved.”

SECTION 5. Section 106-352, “Permitted Uses,” relating to permitted uses within the R-1 Single-Family Residential Zone, of the San Fernando City Code is hereby amended to read as follows:

“Sec. 106-352. Permitted uses.

In the R-1 single family residential zone, the following uses are permitted:

- (1) Accessory buildings and structures such as a garage, workroom, storage shed, recreation room or cabana located on the same lot as the principal residential use. No bathroom, kitchen plumbing or fixtures or cooking facilities shall be permitted in conjunction with accessory buildings. A garage, workroom, storage shed, and recreation room shall not be divided into smaller size rooms and shall be maintained as a single open building.
- (2) Community care facilities/small.
- (3) Home occupations in accordance with division 9 of article VI of this chapter.
- (4) Large family day care home in accordance with division 10 of article VI of this chapter.
- (5) Manufactured home as defined in Health and Safety Code Section 18007.
- (6) Parks and playgrounds or community centers owned and operated by a government agency, including business conducted within the facilities, subject to the approval of the director.
- (7) Private noncommercial greenhouses, horticulture collections, flower gardens, vegetable gardens and fruit trees.
- (8) Primary single-family dwelling units, one per lot, in a permanent location.
- (9) Second dwelling units (one per lot) in accordance with Section 106-358
- (10) Supportive housing.
- (11) Temporary tract sales offices, temporary contractors’ equipment offices and storage, subject to approval by the director for a period not to exceed one year with two one-year extensions available, if requested for good cause.
- (12) Transitional housing.”

SECTION 6. Section 106-353, "Uses permitted subject to a conditional use permit," relating to conditionally permitted uses within the R-1 Single-Family Residential Zone, of the San Fernando City Code is hereby amended to read as follows:

"Sec. 106-353. Uses permitted subject to a conditional use permit.

In the R-1 single-family residential zone, uses permitted subject to a conditional use permit are as follows:

- (1) Churches, temples or other places of religious worship, with not temporary structures permitted.
- (2) One guesthouse with a minimum lot area of 8,000 square feet.
- (3) Schools.
- (4) Hospitals or sanitariums.
- (5) Community care facilities/large."

SECTION 7. Section 106-488, "Uses permitted subject to a conditional use permit," relating to conditionally permitted uses within the C-1 Limited Commercial Zone, of the San Fernando City Code is hereby amended to read as follows:

"Sec. 106-488. Uses Permitted subject to a conditional use permit.

In the C-1 limited commercial zone, the following uses are permitted subject to a conditional use permit:

- (1) Clubs, lodges and halls.
- (2) Commercial recreation.
- (3) Hotels and motels including Single Room Occupancy unit (SRO) subject to the development standards noted in Section 106-971 of this chapter.
- (4) New automobile sales and display and sales room or lot (used car sales only in conjunction with a new car agency).
- (5) Off-street parking lot.
- (6) On-site and off-site sale of alcoholic beverages.
- (7) Parking lot sales.
- (8) Schools.
- (9) Secondhand stores.
- (10) Museums, art galleries, botanical gardens."

SECTION 8. Section 106-612, "Permitted Uses," relating to permitted uses within the M-2 Light Industrial Zone, of the San Fernando City Code is hereby amended to read as follows:

"Sec. 106-612. Permitted uses.

In the M-2 light industrial zone, the following uses are permitted:

- (1) All uses permitted in the M-1 zone.

- (2) Emergency homeless shelters subject to the development standards noted in Section 106-972 of this chapter.
- (3) Manufacturing. Subject to the conditions of this zone, manufacturing, assembling, repairing, testing, processing, warehousing, wholesaling, research or treatment of products may be conducted (other than those which may be obnoxious or offensive because of emission of odor, dust, smoke, gas, noise, vibration or other similar causes detrimental to the public health, safety or general welfare) including but not limited to the following:
 - a. Animal shelter.
 - b. Assaying.
 - c. Automobiles, trailers, boats, recreational vehicles.
 - d. Ceramics, pottery, statuary.
 - e. Heavy equipment sales and rental.
 - f. Ink, polish, enamel.
 - g. Pest control contractors.
 - h. Public service facilities.
 - i. Sandblasting.
 - j. Tile (indoor kiln).
 - k. Wallboard, glass (no blast furnace).
 - l. Blast furnaces as an accessory use and not needing EPA or AQMD approvals.”

SECTION 9. Section 106-971 of the San Fernando City Code, previously reserved, is hereby amended to read as follows:

In the city's C-1 (Limited Commercial) and C-2 (Commercial) zones, a Single Room Occupancy unit (SRO) shall be subject to the applicable regulations of this division, including the following standards:

- (1) Unit Size. The minimum size of a unit shall be one hundred fifty (150) square feet and the maximum size shall be four hundred (400) square feet. A single room occupancy facility is not required to meet density standards of the general plan.
- (2) Bathroom Facilities. An SRO unit is not required to but may contain partial or full bathroom facilities. A partial bathroom facility shall have at least a toilet and sink; a full facility shall have a toilet, sink, and bathtub, shower, or bathtub/shower combination. If a full bathroom facility is not provided, common bathroom facilities shall be provided in accordance with California Building Code for congregate residences with at least one full bathroom per every three units on a floor. The shared shower or bathtub facility shall be accessible from a common area or hallway. Each shared shower or bathtub facility shall be provided with an interior lockable door.
- (3) Kitchen. An SRO unit is not required to but may contain partial or full kitchen facilities. A full kitchen includes a sink, a refrigerator, and a stove, range top, or oven. A partial

kitchen is missing at least one of these appliances. If a full kitchen is not provided, common kitchen facilities shall be provided with at least one full kitchen per floor.

- (4) Closet. Each SRO shall have a separate closet.
- (5) Common Area. Four square feet of interior common space per unit shall be provided, with at least two hundred (200) square feet in area of interior common space, excluding janitorial storage, laundry facilities, and common hallways. All common areas shall comply with all applicable ADA accessibility and adaptability requirements.
- (6) Laundry Facilities. Laundry facilities shall be provided in a separate room at the ratio of one washer and dryer for every ten (10) units, with at least one washer and dryer per floor.
- (7) Cleaning Supply Room. A cleaning supply room or utility closet with a wash tub with hot and cold running water shall be provided on each floor of the SRO facility.
- (8) Management Plan. A management plan shall be submitted with the development application for an SRO facility and shall be approved by the chief planning official. The management plan must address management and operation of the facility, rental procedures, safety and security of the residents and building maintenance.
- (9) Facility Management. An SRO facility with ten (10) or more units shall have an on-site manager. An SRO facility with less than ten (10) units shall provide a management office on-site.
- (10) Parking. Parking shall be provided for an SRO facility at a rate of one standard-size parking space per unit as defined in Section 106-829(1) of this chapter, plus an additional standard-size parking space for the on-site manager.
- (11) Accessibility. All SRO facilities shall comply with all applicable ADA accessibility and adaptability requirements.
- (12) Existing Structures. An existing structure may be converted to an SRO facility, consistent with the provisions of this section.”

SECTION 10. Section 106-972 of the San Fernando City Code, previously reserved, is hereby amended to read as follows:

In the city’s M-2 (Light Industrial) zone, an Emergency Homeless Shelter shall be subject to the applicable regulations of this division, including the following standards:

- (1) Maximum Number of Persons/Beds. The shelter for the homeless shall contain a maximum of 30 beds and shall serve no more than 30 homeless persons.

- (2) Lighting. Adequate external lighting shall be provided for security purposes. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of an intensity compatible with the neighborhood.
- (3) Laundry Facilities. The development shall provide laundry facilities adequate for the number of residents.
- (4) Common Facilities. The development may provide supportive services for homeless residents, including but not limited to: central cooking and dining room(s), recreation room, counseling center, child care facilities, and other support services.
- (5) Security. Parking facilities shall be designed to provide security for residents, visitors, and employees.
- (6) Landscaping. On-site landscaping shall be installed and maintained pursuant to the standards outlined in Section 106-833.
- (7) On-Site Parking. On-site parking for homeless shelters shall be subject to requirements for similarly zoned industrial uses as set forth in Section 106-822(d)(1).
- (8) Outdoor Activity. For the purposes of noise abatement in surrounding residential zoning districts, outdoor activities may only be conducted between the hours of 8:00 a.m. to 10:00 p.m.
- (9) Concentration of Uses. No more than one shelter for the homeless shall be permitted within a radius of 300 feet from another such shelter.
- (10) Refuse. Homeless shelters shall provide a trash storage area as required pursuant to Section 106-897(1) through Section 106-897(3).
- (11) Health and Safety Standards. The shelter for the homeless must comply with all standards set forth in Title 25 of the California Administrative Code (Part 1, Chapter F, Subchapter 12, Section 7972).
- (12) Shelter Provider. The agency or organization operating the shelter shall comply with the following requirements:
 - a. Temporary shelter shall be available to residents for no more than six months if no alternative housing is available.
 - b. Staff and services shall be provided to assist residents to obtain permanent shelter and income. Such services shall be available at no cost to all residents of a provider's shelter or shelters.
 - c. The provider shall not discriminate in any services provided.
 - d. The provider shall not require participation by residents in any religious or philosophical ritual, service, meeting or rite as a condition of eligibility.
 - e. The provider shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to insure compatibility with services provided at the facility, and for training, counseling, and treatment programs for residents."

SECTION 11. The City has evaluated any potential environmental impacts associated with the adoption of the proposed ordinance (the "Project") that provides the appropriate definitions and regulations that allows the establishment of Single Room Occupancy Residential Hotel (SRO) as a conditionally permitted use in the C-1 (Limited Commercial) and C-2 (Commercial) zones, Community Care Facilities with seven or more persons as a conditionally permitted use in all residential zones, Emergency Homeless Shelters as a permitted use in the M-2 (Light Industrial)

zone, Manufactured Housing and Transitional Housing and Supportive Housing as permitted uses in all residential districts only subject to those development standards that apply to other residential uses of the same type in the same residential district by the City of San Fernando in order to implement the provisions of Sections 65582, 65583, and 65589.5 of the California Government Code. An Initial Study and Negative Declaration of Environmental Impact have been prepared for the Project in accordance with the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.), the State CEQA Guidelines (14 Code of Regulations Section 15000, et seq.) and the City's CEQA procedures. Based upon the Initial Study, the proposed Negative Declaration and the comments thereon, the City Council finds that the Negative Declaration represents the independent judgment of the City and that there is no substantial evidence that the project may have a significant effect on the environment. The documents constituting the record on which this decision is based are on file in the City.

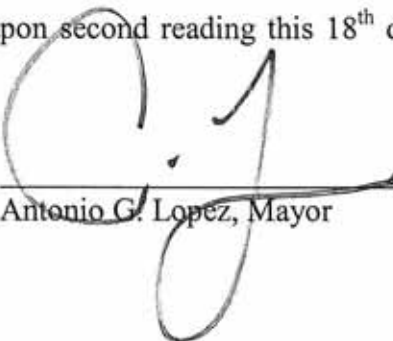
SECTION 12. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The San Fernando City Council hereby declares that it would have adopted this ordinance and such section, subsection, sentence, clause, phrase or portion may be declared invalid or unconstitutional.

SECTION 13. Pursuant to California Government Code Section 36937, this ordinance shall take effect and be in full force and effect thirty (30) days after its final approval by the San Fernando City Council.

SECTION 14. The City Clerk shall cause this ordinance to be published and posted in accordance with the requirements noted in California Government Code Section 36933.

SECTION 15. That the Mayor shall sign and that the City Clerk shall attest to the adoption of this ordinance by the City Council of the City of San Fernando at the duly noticed regular meeting held on the 18th day of March, 2013.

PASSED, APPROVED AND ADOPTED upon second reading this 18th day of March, 2013.



Antonio G. Lopez, Mayor

ATTEST:



Elena G. Chávez, City Clerk

APPROVED AS TO FORM:


Rick R. Olivarez, City Attorney

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

I, Elena G. Chávez, City Clerk of the City Council of the City of San Fernando, do hereby certify that the foregoing resolution was duly adopted by the City Council at its meeting held on the 18th day of March, 2013.

AYES: Lopez, Ballin, Avila, Fajardo, Gonzales - 5

NOES: None

ABSENT: None

ABSTAIN: None


Elena G. Chávez, City Clerk

ORDINANCE NO. 1629

**AN ORDINANCE OF THE CITY OF SAN FERNANDO,
CALIFORNIA AMENDING CHAPTER 106 (ZONING) OF
THE SAN FERNANDO CITY CODE TO ESTABLISH
DIVISION 16 TO ARTICLE VI TO PROVIDE THE
REQUIRED REGULATIONS TO ALLOW THE CITY TO
REVIEW AND FACILITATE THE ISSUANCE OF
REASONABLE ACCOMMODATIONS TO PERSONS WITH
DISABILITIES, AS REQUIRED BY FEDERAL AND STATE
HOUSING LAW**

WHEREAS, pursuant to the Federal Fair Housing Amendments Act of 1988 and the State of California Fair Employment and Housing Act, cities and counties are prohibited from discriminating against individuals with disabilities through land use and zoning decisions and procedures;

WHEREAS, the proposed Reasonable Accommodation Ordinance would provide individuals with disabilities the ability to request reasonable accommodation in the application of the City's rules, policies, practices and procedures, as necessary to ensure equal access to housing, pursuant to Federal and State fair housing laws;

WHEREAS, on September 10, 2013, the Planning and Preservation Commission held a properly noticed public hearing at which it received a report from City staff as well as oral and written testimony from the public, and deliberated on the item. At that meeting, the Planning and Preservation Commission recommended through the adoption of Planning and Preservation Commission Resolution 2013-09 that the City Council adopt the proposed zone code amendments in this Ordinance; and,

WHEREAS, the City Council public hearing was noticed in accordance with the requirements set forth in Government Code sections 65090 and 65091.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN FERNANDO DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The foregoing recitals are true and correct and made a part of this Ordinance.

SECTION 2. The City Council hereby finds as follows:

- a) **The proposed zone text amendment is consistent with the objectives, policies, general land uses and programs of the City's General Plan.**

The proposed zone text amendment to the San Fernando City Code would establish provisions to allow for the consideration of reasonable accommodation requests by individuals with disabilities, in compliance with Federal and State fair housing laws. The proposed reasonable accommodation ordinance would allow for the City to review requests for deviations of the City's development standards and zoning requirements to facilitate fair and equitable housing for individuals with disabilities. Furthermore, adoption of the proposed ordinance would

allow the for the City's General Plan Housing Element, and any future updates, to be in compliance with applicable housing laws by removing governmental constraints and impediments to providing housing that serves the needs of individuals with disabilities in the community and eliminating housing discrimination for this population.

b) The adoption of the proposed zone text amendment would not be detrimental to the public interest, health, safety, convenience or welfare.

The proposed revisions to the city zoning ordinance would facilitate the City's consideration of reasonable accommodations for individuals with disabilities and remove constraints to providing fair and equitable housing to this underserved segment of the community. The reasonable accommodation ordinance would improve the quality of life for individuals with a disability by providing accommodations that would allow a disabled individual equal ease and enjoyment of property current experienced by non-disabled persons in the City. Therefore, the proposed zone text amendments would not be detrimental to the public interest, health, safety, convenience or welfare.

SECTION 3. Article VI (General Regulations) of Chapter 106 (Zoning) of the San Fernando City Code is hereby amended with the following language to establish Division 16, providing regulations to govern the issuance of reasonable accommodation request to individuals with disabilities, in compliance with Federal and State fair housing laws:

"DIVISION 16. REASONABLE ACCOMMODATION

Sec. 106-1430. Purpose

(a) Purpose. It is the purpose of this division, pursuant to federal and state fair housing laws, to provide individuals with disabilities reasonable accommodation in the application of the city's rules, policies, practices, and procedures, as necessary, to ensure equal access to housing and facilitate the development of housing for individuals with disabilities. The purpose of this division is to provide a procedure for individuals with disabilities to make requests for, and be provided, reasonable accommodation with respect to development standards, building regulations, rules, policies, practices, and/or procedures of the city, including land use and zoning regulations, when reasonable accommodation is warranted based upon sufficient evidence, to comply fully with the intent and purpose of the fair housing laws.

Sec. 106-1431. Definitions

For the purpose of this division, the following definitions shall apply:

"Applicant" means a person, business, or organization making a written request to the city for reasonable accommodation in the strict application of land use or zoning provisions of this division.

"Department" means the city's community development department.

“Director” means the city's community development director.

“Individual with a disability” means an individual who has a physical or mental impairment that limits one or more of that person's major life activities; anyone who is regarded as having such impairment; or anyone who has a record of having such impairment; but not including an individual's current, illegal use of a controlled substance, unless an individual has a separate disability.

“Fair housing laws” mean the "Fair Housing Amendments Act of 1988" (42 U.S.C. § 3601, et seq.), including reasonable accommodation required by 42 U.S.C. § 3604 (f)(3)(B), and the "California Fair Employment and Housing Act" (California Government Code Section 12900, et seq.), including reasonable accommodation required specifically by California Government Code Sections 12927 (c)(1) and 12955 (l), as any of these statutory provisions now exist or may be amended from time to time.

“Reasonable accommodation” means any deviation or waiver requested and/or granted from the strict application of various land use, zoning, or building laws, development standards, rules, policies, practices and/or procedures of the city, to individuals with a disability, or developers of housing for people with disabilities, when it is necessary to eliminate barriers to housing opportunities and provide an equal opportunity to use and enjoy a dwelling. Deviations may include, but shall not be limited to, requirements for special yards, open spaces, buffers, fences, walls, and screening; requirements for installation and maintenance of landscaping and erosion control measures; regulation of vehicular ingress and egress, and traffic circulation; regulation of signs; regulation of hours or other characteristics of operation; requirements for maintenance of landscaping and other improvements; establishment of development schedules or time limits for performance or completion; requirements for periodical review by the director; and such other conditions as the director may deem necessary to ensure compatibility with surrounding uses, to preserve the public health, safety, and welfare.

Sec. 106-1432. Requesting Reasonable Accommodation

(a) In order to make specific housing available to individuals who have physical or mental impairments, an individual with a disability or representative may request reasonable accommodation, pursuant to this division, relating to the application of various land use, zoning, or building laws, development standards, rules, policies, practices, and/or procedures of the city.

(b) Notice of the availability of reasonable accommodation shall be prominently displayed at public information counters in the department and building divisions advising the public of the availability of the procedure for eligible individuals. Forms for requesting reasonable accommodation shall be available to the public in the department and building divisions.

(c) If an individual with a disability or representative needs assistance in making a request for reasonable accommodation, or appealing a determination regarding reasonable

accommodation, the department will endeavor to provide the assistance necessary to ensure that the process is accessible to the applicant or representative. The applicant may be represented at all stages of the proceeding by a person designated by the applicant as his or her representative or a developer or provider of housing for individuals with disabilities, when the application of a land use, zoning, or building regulation, policy, practice, or procedure acts as a barrier to fair housing opportunities.

(d) A reasonable accommodation does not affect an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.

(e) While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is subject of the request shall remain in full force and effect.

(f) Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.

(g) A request for reasonable accommodation to allow one or more deviations of laws, development standards, rules, policies, practices, and/or procedures must be filed on an application form provided by the city, shall be signed by the owner of the property, and shall include the following:

- (1) Name and address of the individual(s) requesting reasonable accommodation;
- (2) Name and address of the property owner(s);
- (3) Address of the property for which accommodation is requested;
- (4) The current actual use of the property that is the subject of the request;
- (5) Description of the requested accommodation and the regulations, policy or procedure for which accommodation is sought;
- (6) Verifiable evidence to support the claim that fair housing laws apply to the individual(s) with a disability, which may include a letter from a medical doctor or other licensed health care professional, a handicapped license, or other appropriate evidence that establishes that the individual(s) needing the reasonable accommodation is/are disabled/handicapped pursuant to fair housing laws;
- (7) The specific reason the requested accommodation is necessary for individual(s) with the disability to use and enjoy the dwelling;
- (8) Verification by the applicant that the property that is the subject of the request for reasonable accommodation will be used by the person for whom reasonable

accommodation is requested and whose disabilities are protected under fair housing laws;

- (9) The required filing fee for a reasonable accommodation request, as provided for in the city's adopted fee schedule; and
- (10) Other supportive information deemed necessary by the department to facilitate proper consideration of the request, consistent with fair housing laws and the privacy rights of the individual(s) with a disability.

Sec. 106-1433. Review and Determination

(a) Review. The director or his or her designee shall review and provide a determination on an application for reasonable accommodation pursuant to this division and fair housing laws. The director shall have the ability to request any information necessary to assess an application for reasonable accommodation and provide a determination to an applicant within thirty (30) days of the date of submittal of a completed application. In the event that a request for additional information is made, the thirty (30) day period to issue a decision is stayed until the applicant responds to the request. Within thirty (30) days of the date of the submittal of a completed application, and as provided for in this section, the director shall take one of the follow actions regarding a request for reasonable accommodation:

- (1) Grant the reasonable accommodation request, pursuant to section 106-1433(g);
- (2) Grant the reasonable accommodation request, subject to specified nondiscriminatory conditions, pursuant to section 106-1433(g);
- (3) Deny the reasonable accommodation request pursuant to section 106-1433(g); or,
- (4) Refer the determination of the reasonable accommodation request to the planning and preservation commission, who shall render a determination on the application.

(b) Tentative determination of approval. Upon submittal of a completed application for reasonable accommodation and subsequent to an application being deemed complete, the director shall prepare a notice of tentative determination regarding the director's intent to approve the reasonable accommodation request pursuant to this division and fair housing laws. The notice of tentative determination shall be prepared and disseminated as provided below.

- (1) Content. The notice of tentative determination shall provide a detailed description of the subject property, the reasonable accommodation request, and tentative findings pursuant to section 106-1433 (g). Additionally, the notice of tentative determination shall include information on the public comment period for the request.

- (2) *Public notice.* A notice of tentative determination shall be mailed to the applicant, property owner of record of the property that is the subject of the reasonable accommodation request, and all neighboring properties abutting the subject property within fifteen (15) days from the submittal of a completed application for reasonable accommodation.
 - (3) *Public comment period.* A comment period of no less than ten (10) days from the date noted on the notice of tentative determination shall be provided to all affected owners of property that abut the property that is the subject of the reasonable accommodation request.
- (c) Final determination of approval. Subsequent to the issuance of a notice of tentative determination for approval of the reasonable accommodation request, as provided for in subsection (b), the director shall prepare a notice of final determination regarding the director's decision to approve the reasonable accommodation request. The notice of final determination shall be prepared and disseminated as provided below.
- (1) *Content.* The notice of final determination shall provide a detailed description of the subject property, the reasonable accommodation request, and findings required for approval pursuant to section 106-1433 (g). Additionally, the notice of final determination shall include information on the appeal process for all abutting properties that are aggrieved by the decision of the director.
 - (2) *Public notice.* A notice of final determination shall be mailed to the applicant, property owner of record of the property that is the subject of the reasonable accommodation request, and all neighboring properties abutting the subject property within thirty (30) days from the submittal of a completed application for reasonable accommodation.
- (d) Denial. Subsequent to submittal and the director's review of a request for reasonable accommodation, the director shall notify an applicant in writing if a determination for denial of the reasonable accommodation request is made. The director shall provide the justification for denial of the reasonable accommodation request pursuant to section 106-1433 (g). An applicant may appeal the decision of the director to the planning and preservation commission, as provided for in section 106-1434.
- (e) Applicability. A reasonable accommodation request that is granted pursuant to this division shall not require the approval of any variance. The reasonable accommodation shall be subject to the following provisions:
- (1) The reasonable accommodation shall only be applicable to a residential structure occupied by one or more individuals with a disability.

- (2) The reasonable accommodation shall only be applicable to the specific use for which application is made.
 - (3) The reasonable accommodation is subject to any and all building code permit and inspection requirements of the city.
 - (4) Any change in use or circumstances that negate the basis for the approval of the reasonable accommodation shall require its termination and removal, unless continuance of the reasonable accommodation is approved by the director pursuant to section 106-1433(f).
 - (5) Within sixty (60) days from the date that an individual with a disability vacates the property that is the subject of the reasonable accommodation, the reasonable accommodation shall be removed in its entirety.
 - (6) The director may impose additional conditions on the approval of a reasonable accommodation request that are consistent with the purposes of this division and fair housing laws.
- (f) Duration of reasonable accommodation. If a request for reasonable accommodation is approved pursuant to this division, the request shall be granted to an individual with a disability and shall not run with the land unless:
- (1) The reasonable accommodation is physically integrated into the residential structure and cannot be easily removed or altered to comply with all applicable laws, development standards, rules, policies, practices, and/or procedures; or,
 - (2) Another individual or individuals with a disability use the property and structure that is the subject of the reasonable accommodation request; or,
 - (3) The property owner of record provides a written request stating the reason why the reasonable accommodation shall be retained without the occupancy of the residential structure by an individual with a disability, as originally permitted; and,
 - (4) The director provides a written determination assessing the applicant's request to retain the reasonable accommodation without the occupancy of the residential structure by an individual with a disability, as originally permitted. A determination for denial of the retention of a reasonable accommodation pursuant to this section shall require the director to make those findings provided in section 106-1433 (g). Subsequent to the director's determination of denial, the property owner of record shall have sixty (60) days to remove the reasonable accommodation from the subject property or comply with the previously approved reasonable accommodation request pursuant to this division.

(g) Required findings. A written determination to approve, approve with conditions, or deny a request for reasonable accommodation shall be based on the following factors:

- (1) Whether the parcel and/or housing that is the subject of the request for reasonable accommodation will be used by an individual with disabilities protected under fair housing laws;
- (2) Whether the request for reasonable accommodation is necessary to make the specific housing available to one or more individuals protected under fair housing laws;
- (3) Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the city; and
- (4) Whether the requested reasonable accommodation would require a fundamental alteration of the zoning or building laws, policies, and/or other procedures of the city.

Sec. 106-1434. Appeals

A final written determination made by the director on a reasonable accommodation request may be appealed to the planning and preservation commission, as provided below:

(a) Within ten (10) days of the date of the notice of final determination, an appeal may be filed in writing or on a form provided by the city, pursuant to this section. An appeal shall contain a detailed statement of the grounds for the appeal.

(b) Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.

(c) An appeal may be filed by those directly aggrieved by the decision and determination of the director. For purposes of this section, "directly aggrieved" shall mean the applicant, representative of an individual with a disability, or owner of the property that is the subject of the reasonable accommodation request, and those property owners that directly abut the property that is the subject of the reasonable accommodation.

(d) The written decision of the director shall become final unless an applicant appeals it to the planning and preservation commission.

(e) The planning and preservation commission shall hear the matter and render a written determination as soon as reasonably practicable, but in no event later than sixty (60) days after an appeal has been filed, or after an application has been referred to it by the director. All

determinations shall address and be based upon the same findings required to be made in the original determination from which the appeal is taken.

(f) A notice of public hearing for the appeal shall be mailed to the person filing the appeal and those directly aggrieved at least ten (10) days prior to the date of the public hearing. The notice of public hearing shall include a description of the property that is the subject of the reasonable accommodation, the reason for which the appeal is filed, the date of the public hearing, and the location of the public hearing.

(g) Within thirty (30) days from the decision and determination of the planning and preservation commission, those directly aggrieved by the decision may appeal to the city council. The procedures that apply for filing an appeal with the city council are the same procedures that apply for filing an appeal with the planning and preservation commission pursuant to division 2 of article 2 of this chapter. All determinations shall address and be based upon the same findings required to be made in the original determination from which the appeal is taken.

(h) The written decision of the planning and preservation commission shall become final unless an applicant appeals it to the city council.

(i) The filing fee for an appeal shall be equal to half of the application filing fee for the reasonable accommodation request, as provided for in the city's adopted fee schedule.

(j) An applicant may request reasonable accommodation in the procedure by which an appeal will be conducted."

SECTION 4. The City has evaluated any potential environmental impacts associated with the adoption of the proposed ordinance that provides regulations to govern the issuance of reasonable accommodation requests to individuals with disabilities, in compliance with Federal and State fair housing. An Initial Study and Negative Declaration of Environmental Impact have been prepared for the Project in accordance with the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, *et seq.*), the State CEQA Guidelines (14 Code of Regulations Section 15000, *et seq.*) and the City's CEQA procedures. Based upon the Initial Study, the proposed Negative Declaration and the comments thereon, the City Council finds that the Negative Declaration represents the independent judgment of the City and that there is no substantial evidence that the project may have a significant effect on the environment. The documents constituting the record on which this decision is based are on file in the City.

SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The San Fernando City Council hereby declares that it would have adopted this ordinance and such section, subsection, sentence, clause, phrase or portion may be declared invalid or unconstitutional.

SECTION 6. Pursuant to California Government Code Section 36937, this ordinance shall take effect and be in full force and effect thirty (30) days after its final approval by the San Fernando City Council.

SECTION 7. The City Clerk shall cause this ordinance to be published and posted in accordance with the requirements noted in California Government Code Section 36933.

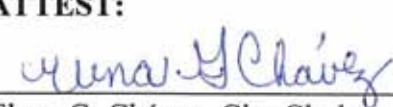
SECTION 8. That the Mayor shall sign and that the City Clerk shall attest to the adoption of this ordinance by the City Council of the City of San Fernando at the duly noticed regular meeting held on the 21st day of October, 2013.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of San Fernando a regular meeting held on the 21st day of October, 2013.



Antonio Lopez, Mayor

ATTEST:



Elena G. Chavez, City Clerk

APPROVED AS TO FORM:



Rick R. Olivarez, City Attorney

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

I, Elena G. Chavez, City Clerk of the City Council of the City of San Fernando, do hereby certify that the foregoing resolution was duly adopted by the City Council at its meeting held on the 21st day of October, 2013.

AYES: Lopez, Ballin, Fajardo, Gonzales, Avila – 5

NOES: None

ABSENT: None

ABSTAIN: None



Elena G. Chavez, City Clerk

CITY CODE SECTION 106-6 DEFINITIONS EXCERPT

Boardinghouse means a building where lodging and meals are provided for compensation for five or more persons, not including a retirement home.

Community care facility/large means any *facility* as defined in the Health and Safety Code Section 1502(a), which provides nonmedical *care* on a 24-hour a day basis to seven or more persons including, but not limited to persons with substance abuse illnesses, physically handicapped, mentally impaired, incompetent persons, and abused or neglected children. Large *community care facility* shall be considered a conditionally permitted use within all residential zoned districts.

Community care facility/small means any *facility* as defined in the Health and Safety Code Section 1502(a), which provides nonmedical *care* on a 24-hour a day basis to six or less persons including, but not limited to persons with substance abuse illnesses, physically handicapped, mentally impaired, incompetent persons, and abused or neglected children. Small *community care facility* shall be considered a permitted use within all residential zoned districts.

Family day care home (large) means a home which provides family day *care* to seven to 14 children, inclusive, including children under the age of ten years who reside at the home, as set forth in Health and Safety Code § 1597.465, as defined in departmental regulations.

Family day care home (small) means a home which provides family day *care* to eight or fewer children, including children under the age of ten years who reside at the home, as set forth in Health and Safety Code § 1597.44, as defined in departmental regulations.

Health care facility means a *facility* which maintains and operates 24-hour skilled nursing services for the *care* and treatment of chronically ill or convalescent patients, or provides supportive, restorative and preventive health services in conjunction with a socially oriented program for its residents and which maintains and operates 24-hour services including board, room, personal *care* and intermittent nursing *care*.

Health care facility means a *facility* which maintains and operates 24-hour skilled nursing services for the *care* and treatment of chronically ill or convalescent patients, or provides supportive, restorative and preventive health services in conjunction with a socially oriented program for its residents and which maintains and operates 24-hour services including board, room, personal *care* and intermittent nursing *care*.

Retirement home means a *facility*, which offers or provides lodging, with or without meals, primarily for aged persons but does not include any *facility* defined as a *community care facility*.

Single room occupancy unit (SRO) means any building containing five or more guestrooms or units intended or designed to be used, or which are used, rented, or hired out, to be occupied, or which are occupied, for sleeping purposes by residents, which is also the primary residence of those residents. The individual units shall lack either cooking **facilities** or individual sanitary **facilities**, or both. However, for purposes of this definition, an SRO does not include residential **care** homes, senior housing projects, rooming and boarding houses, hotels and motels, bed and breakfast lodging, extended **care facilities** or hospitals.

Supportive housing means housing with no limit on the length of stay and that is occupied by a target population as defined by Health and Safety Code Section 53260(d), as the same may be amended from time to time, and that provides a significant level of onsite and offsite services that assist the supportive housing residents in retaining the housing, improving their health status, maximizing their ability to live, and when possible, work in the **community**. Supportive housing shall be treated under this chapter as a residential use and shall be allowed as a permitted use in all residential zoning districts.

Transitional housing means housing operated under program requirements that call for 1) the termination of any assistance to an existing program recipient and 2) the subsequent recirculation of the assisted residential unit to another eligible program recipient at some predetermined future point in time, which point in time shall be no less than six months into the future (Health and Safety Code Section 50675.2(h)). Transitional housing may provide, but not be limited to, meals, counseling, and other services as well as common areas for residents. Transitional housing may be provided under all residential housing types. In all cases, Transitional housing shall be treated as a residential use under this chapter and shall be subject only to those restrictions that apply to other residential uses of the same residential housing type located in the same zoning district.