



PLANNING AND PRESERVATION COMMISSION  
REGULAR MEETING NOTICE AND AGENDA  
DECEMBER 2, 2014 – 6:30 P.M.

COUNCIL CHAMBERS  
117 MACNEIL STREET  
SAN FERNANDO, CA 91340

**CALL TO ORDER/ROLL CALL**

Chair Theale E. Haupt  
Vice-Chair Alvin Durham, Jr.  
Commissioner Kevin Beaulieu  
Commissioner Yvonne G. Mejia  
Commissioner Rodolfo Salinas, Jr.

**PLEDGE OF ALLEGIANCE**

Chairperson Theale E. Haupt

**APPROVAL OF AGENDA**

**PUBLIC STATEMENTS – WRITTEN/ORAL**

There will be a three (3) minute limitation per each member of the audience who wished to make comments in order to provide a full opportunity to every person who wishes to address the Commission on community planning matters not pertaining to items on this agenda. Anyone wishing to speak, please fill out a form located at the Council Chambers entrance and submit it to the Commission Chair.

**CONSENT CALENDAR**

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

- 1) REQUEST TO APPROVE THE MINUTES OF THE JULY 15, 2014 PLANNING AND PRESERVATION COMMISSION MEETING**

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### NEW BUSINESS

- 2) SUBJECT:** Conditional Use Permit 2014-04 (Modification of Conditional Use Permit 2005-01)
- LOCATION:** 1245 San Fernando Road, Unit #100, San Fernando, CA 91340 (Los Angeles County Assessor's Parcel No.: 2521-017-021)
- APPLICANT:** AJ Blanco and Eric Rodriguez (Valley Wing Pit, LLC), 1245 San Fernando Road, Unit #100, San Fernando, CA 91340
- PROPOSAL:** The project is a request to modify an existing conditional use permit to: 1) allow a stage area for the use of live entertainment; 2) modify the hours of daily operation by extending business hours from 10:00 a.m. to 10:00 p.m. to 11:00 a.m. to 2:00 a.m.; and, 3) to allow a maximum of four (4) outdoor special events that includes the sale of alcoholic beverages per calendar year. The existing establishment is currently operating under Conditional Use Permit 2005-01, which allows for the on-site sale and consumption of alcoholic beverages as an ancillary use to a restaurant. The subject site is located at 1245 San Fernando Road within the Mixed-Use Transition Sub-District of the SP-4 zone.
- RECOMMENDATION:** Staff recommends that the Planning and Preservation Commission deny Conditional Use Permit 2014-04, pursuant to Planning and Preservation Commission Resolution No. 2014-14. The proposed amendment to the existing CUP 2005-01 would have allowed for a stage area for the use of live entertainment, an extension of the daily business hours from 10 a.m. to 10 p.m. to 11 a.m. to 2 a.m., and also to allow a maximum of four (4) outdoor special events, including the sale of alcoholic beverages, per calendar year

*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*

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*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**

- California High Speed Rail Authority – Community Open House
- 2015 Greater Los Angeles Homeless Count – Volunteer Request
- Update on TOD Overlay Zone Project
- Assembly Bill (AB 60) Community Forum

### **ADJOURNMENT**

**Tuesday, January 6, 2015**

*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, Community Development Director*

*Signed and Posted: November 26, 2014 (Time)*

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

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

**DRAFT MINUTES OF THE  
JULY 15, 2014  
SPECIAL MEETING  
CITY HALL COUNCIL CHAMBER**

THE FOLLOWING MINUTES ARE A SUMMARY OF ACTIONS TAKEN BY THE PLANNING COMMISSION. AUDIO OF THE ACTUAL MEETING ARE AVAILABLE FOR LISTENING IN THE COMMUNITY DEVELOPMENT DEPARTMENT.

**CALL TO ORDER**

The meeting was called to order by at 7:00 P.M.

**PLEDGE OF ALLEGIANCE**

Led by Chairperson Theale Haupt

**ROLL CALL**

The following persons were recorded as present:

**PRESENT:**

Chairperson Theale Haupt, Vice-chair Alvin Durham, and Commissioner Kevin Beaulieu

**ABSENT**

Commissioners Yvonne Mejia and Rudy Salinas

**ALSO PRESENT**

Community Development Director Fred Ramirez, Contract Planner Humberto Quintana, and Community Development Secretary Michelle De Santiago

**APPROVAL OF AGENDA**

<b>AYES:</b>	A. Durham, K. Beaulieu, and T. Haupt.
<b>NOES:</b>	None
<b>ABSENT:</b>	Y. Mejia and R. Salinas
<b>ABSTAIN:</b>	None

**CONSENT CALENDAR**

No Items.

**UNFINISHED BUSINESS**

None.

**PUBLIC HEARING 7A:**

**Site Plan Review 2013-15 and Variance 2013-05 – 1026 Hewitt Street, San Fernando, CA 91340 – David Acosta representing Gaudencio F. Cayetano, 14507 Sylvan Street, Suite 208, Van Nuys, CA 91401 – The proposed project requests approvals of a site plan review and variance application to allow for less than the required covered parking for a single-family dwelling for a proposed approximate 1,558-square-foot new single-family dwelling with an attached 225.5-square foot one-car garage at the subject property location at 1026 Hewitt Street. The subject property is an approximate 2,500-square-foot vacant lot (25**

**feet in width by 100 feet in depth) located along the southerly portion of 1000 block of Hewitt Street, within the R-2 (multiple Family Residential) zone.**

**STAFF PRESENTATION:**

**Contract Planner Humberto Quintana gave the staff presentation recommending that the Planning and Preservation Commission approve Site Plan Review 2013-15 and Variance 2013-05, pursuant to Planning and Preservation Commission Resolution 2014-019 and the conditions of approval attached as Exhibit “A” to the resolution (Attachment 1).**

F. Ramirez gave a brief history of prior cases and the requests that staff have made to allow for more open-space.

**COMMISSION DISCUSSION**

K. Beaulieu asked if the prior cases were two story homes?

F. Ramirez indicated that yes both previous cases were two story homes.

K. Beaulieu stated that the proposed project has a good size rear yard. Additionally, he asked about the landscape planters and asked if they were being proposed at grade.

F. Ramirez indicated that the proposal has more than the 15 feet minimum to allow for more private space and he explained that the grass and trees were being proposed at grade.

K. Beaulieu inquired about the perimeter fencing and if there were requirements from the Fire Department. He asked if the applicant would consider boxing in the eaves.

F. Ramirez indicated that the Fire Department has not expressed an issue with the proposal.

D. Acosta stated that boxing the eaves is a good suggestion and will submit plans with that change.

T. Haupt asked how the applicant is proposing to divert water from garage.

D. Acosta stated that garage will be raised 6-8 inches and the perimeter landscape design will provide for the required water drainage away from the building.

T. Haupt asked if there are more 25 foot lots within the city limits and if the property would be marketed to Section 8 applicants.

F. Ramirez stated that there are a handful of 25 foot lots within the city and that the property is anticipated to be developed as market rate housing.

**PUBLIC TESTIMONY**

None.

Subsequent to discussion Vice-chair A. Durham moved to approve Site Plan Review 2013-15 and Variance 2013-05 pursuant to Planning and Preservation Commission Resolution 2014-09 and the conditions of approval attached as Exhibit "A" to the resolution (Attachment 1"). Seconded by Commissioner K. Beaulieu, the motion carried with the following vote:

<b>AYES:</b>	A. Durham, K. Beaulieu, and T. Haupt
<b>NOES:</b>	None
<b>ABSENT:</b>	Y. Mejia and R. Salinas
<b>ABSTAIN:</b>	None

#### **STAFF COMMUNICATIONS**

F. Ramirez reminded the commission of the upcoming Commissioner's Workshop to be held on Saturday, July 19, 2014, from 9:00 a.m. to 11:00 a.m. Additionally, he provided the commission with a copy of the award letter from the Housing Related Parks Grants.

#### **COMMISSION COMMENTS**

None.

#### **PUBLIC STATEMENTS**

None.

#### **ADJOURNMENT**

Vice-chair A. Durham moved to adjourn to the August 5, 2014. Second by Commissioner K. Beaulieu, the motion carried with the following vote:

<b>AYES:</b>	A. Durham, K. Beaulieu, and T. Haupt
<b>NOES:</b>	None
<b>ABSENT:</b>	Y. Mejia and R. Salinas
<b>ABSTAIN:</b>	None

8:05 P.M.  
Fred Ramirez  
Planning Commission Secretary





**MEETING DATE:** December 2, 2014

**PUBLIC HEARING:**

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

- (a) To Deny:  
“I move to Deny Conditional Use Permit 2014-04 a request to modify an existing Conditional Use Permit (CUP 2005-01 pursuant to Planning and Preservation Commission Resolution No. 2014-15. The proposed modification to the existing CUP 2005-01 would have allowed for a stage area for the use of live entertainment, an extension of the daily business hours from 10:00 a.m.to 10:00 p.m. to 11:00 a.m. to 2:00 a.m., and also to allow a maximum of four (4) outdoor special events, including the sale of alcoholic beverages, per calendar year”. (Roll Call Vote)
- (b) To Approve:  
“I move to approve Conditional Use Permit 2014-04, based on the following ...” (Roll Call Vote)
- (c) To Continue:  
“I move to continue consideration of Conditional Use Permit 2014-04 to a specific date...” (Roll Call Vote)

**PUBLIC HEARING:**

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

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

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

**Item 2:**  
**Conditional Use Permit 2014-04**  
**(Modification of Conditional Use Permit 2005-01)**





## AGENDA REPORT

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

**From:** Fred Ramirez, Community Development Director  
By: Yalini Sivapathasundaram, Associate Planner

**Date:** December 2, 2014

**Subject:** **Conditional Use Permit 2014-04 (Modification of Conditional Use Permit 2005-01)**  
1245 San Fernando Road, Unit #100, San Fernando Road, CA 91340 (APN 2521-017-021)

**Proposal:** A request to modify an existing conditional use permit in order to: 1) allow a stage area for the use of live entertainment; 2) modify the hours of daily operation by extending business hours from 10 a.m. to 10 p.m. to 11 a.m. to 2 a.m.; and 3) to allow a maximum of four (4) outdoor special events that includes the sale of alcoholic beverages per calendar year. The existing establishment is currently operating under Conditional Use Permit 2005-01, which allows for the on-site sale and consumption of alcoholic beverages as an ancillary use to a restaurant. The subject site is located at 1245 San Fernando Road within the Mixed-Use Transition Sub-District of the SP-4 zone.

**APPLICANT:** AJ Blanco and Eric Rodriguez (Valley Wing Pit, LLC), 1245 San Fernando Road, Unit # 100, San Fernando, CA 91340

### **RECOMMENDATION:**

Staff recommends that the Planning and Preservation Commission deny Conditional Use Permit 2014-04, a request to modify existing Conditional Use Permit (CUP) 2005-01 pursuant to Planning and Preservation Commission Resolution No. 2014-14. The proposed amendment to the existing CUP 2005-01 would have allowed for a stage area for the use of live entertainment, an extension of the daily business hours from 10 a.m. to 10 p.m. to 11 a.m. to 2 a.m., and also to allow a maximum of four (4) outdoor special events, including the sale of alcoholic beverages, per calendar year.

### **PROJECT OVERVIEW:**

The applicant, Valley Wing Pit, LLC submitted the subject application to City staff on September 24, 2014. City planning staff's review of the initial application was deemed incomplete on

October 22, 2014 due to required corrections on submitted plans and also due to outstanding fines required by Alcoholic Beverage Control (ABC). These outstanding fines were imposed upon the establishment due to two citations, per the ABC Task Force. Outstanding ABC fines were paid in September and October of 2014 and revised plans were submitted to staff on November 13, 2014.

The project site at 1245 San Fernando Road is an approximate 44,000 square foot commercial lot where the subject establishment, Valley Wing Pit, occupies approximately 3,998 square feet on the ground floor of a two story, 8,850 square foot multi-tenant commercial building. Valley Wing Pit is a bona fide eating establishment, which currently operates under a Type 47 ABC license, which permits the on-site sale of general alcoholic beverages.

A bona fide public eating place is defined as “a place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for ordinary meals, the kitchen of which must be kept in a sanitary condition with the proper amount of refrigeration for keeping of food on the premises and must comply with all the regulations of the local department of health.” (City Code Section 106-177.)

Valley Wing Pit currently operates between 10 a.m. and 10 p.m. on a daily basis, which includes meal service and the sale of alcoholic beverages as required under the current conditions of approval for CUP 2005-01 (Attachment No. 4). The current application is a request to amend the existing CUP in order to extend the current hours of operation, to 11 a.m. to 2 p.m. In addition to the current services provided at the establishment, the application for an amended CUP also includes a request for four outdoor special events per calendar year and also the installation of a stage within the existing establishment for live entertainment. Outdoor special events could occur within the covered patio area, but may also include portions of the property that are currently underdeveloped and/or used for on-site parking or open space. The stage for live entertainment would be constructed at the northwest portion of the existing dining area as shown in Attachment No. 5. The configuration of the proposed stage area requires the removal of existing tables and seating. The existing site plan provides seating for approximately 86 patrons, whereas the proposed seating area would allow for 60 patrons.

## **BACKGROUND:**

1. Zoning Designation and General Plan: The subject parcel is within the Truman/San Fernando District's Mixed-Use Transition Sub-District of the SP-4 zone and the General Plan Land Use Designation is SP-4.

2. Location: The subject site is located at 1245 San Fernando Road, south of Truman Street and north of San Fernando Road, east of Workman Street and west of San Fernando Mission Boulevard. The project site is a through lot with similarly zoned lots surrounding the site.
3. Site Description: The project site is an approximate 44,000 square foot commercial lot with an existing 8,850 square foot commercial building. The existing establishment is 3,998 square feet, located on the ground floor of the commercial building. The establishment provides for 52 off-site parking spaces within a lot located at the southwest corner of Kalisher Street and Celis Street.
4. Environmental Review: This project has been reviewed for compliance with the California Environmental Quality Act (CEQA). Based on that assessment, it has been determined that this project proposal is categorically exempt from the provisions of CEQA pursuant to Guidelines Section 15301, Existing Facilities and is determined not to have a significant effect on the environment.
5. Legal Notification: On November 21, 2014, the public hearing notice was posted at two City Hall bulletins. A notice was also published in the November 22, 2014, print and online legal advertisement section of the Los Angeles Daily News. Public hearing notices were also mailed to all property owners of record within 500 feet of the property on November 22, 2014.
6. Public Comments: As of the date of preparation of this staff report, no comments were received from the public regarding the modification request. Any comments received after the distribution of this report shall be read into the record at the public hearing.

#### **ANALYSIS:**

1. General Plan Consistency. The request to amend CUP 2005-01 in order to: allow for extended hours of operation; four outdoor special events with alcohol sales; and live entertainment with the operation of an existing establishment are consistent with the following goals and objectives of the San Fernando General Plan Land Use Element by:
  - Promoting economic viability of commercial areas;
  - Maintaining an identity that is distinct from surrounding communities; and
  - Attracting new commercial activities, particularly within the downtown area.(San Fernando General Plan Land Use Element Goals I-IV, Pg. IV-6)
2. Local Zoning Consistency. Pursuant to the Corridors Specific Plan, Section 2.6, Full-service sit-down restaurants are conditionally permitted. The Mixed-Use Transition Sub-District

supports the development of a mix of use types throughout the surrounding area. City Code Subdivision II of Division 4, requires the approval of a Conditional Use Permit application for the on-site and off-site sales of alcoholic beverages. An existing Conditional Use Permit was issued in 2005 to approve the on-site sale of alcoholic beverages, as an ancillary use to an existing bona fide restaurant. Pursuant to City Code Section 106-179(c)(1) bona fide public eating places like the subject restaurant an exemption from distance separation requirements that would otherwise apply to businesses seeking a CUP for either the on-site sale or off-sale of alcoholic beverages.

3. State Provisions for Issuance of Alcohol Licenses. Pursuant to Business and Professions Code Section 23958, state law requires the California Department of Alcohol Beverage Control (ABC) to deny an alcohol license application if the proposed site is located within a census tract that has an “undue concentration” of licenses, unless certain exceptions apply. Undue concentration exists when:

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

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

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

The existing restaurant is located within Census Tract No. 3203 and has a published total population of 6,948 residents as of the 2010 United States Census. There are a total of twelve (12) on-sale and thirteen (13) off-sale alcohol licenses (including Valley Wing Pit's existing off-sale license) within the census tract.

A review of City and ABC records indicates that there are 13 on-sale alcohol outlets (one (1) on-sale alcohol outlet for every 535 residents) within Census Tract No. 3203. Per ABC, the current Los Angeles County ("County") ratio for on-sale licenses is 1 license for every 1,047 residents and the off-sale license is 1 license for every 1,537 residents. Per the State's Business and Professions Code Section 23958.4, Subsection (c)(5)(B), the Type 47 ABC license (On-sale General Bona Fide Public Eating Place) currently held by Valley Wing Pit is defined as an "on-sale retail license" that allows for the sale of beer, wine and distilled spirits for both on-site or off-site consumption, subject to the licensed-business operating as a bona fide public eating place that maintains "suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises".

Based on current number of licenses, the existing City ratio of 1 license for every 535 is greater than the County ratio of 1,047 resulting in an undue concentration of on-sale licenses within Census Tract 3203 and would therefore not initially qualify for issuance of an alcohol permit with ABC.

As part of the review process, the San Fernando Police Department was able to compile the following information:

- 1245 San Fernando Road, Unit# 100 (Valley Wing Pit) had a total of 64 calls for service between September 9, 2012 and November 24, 2014. The total calls included the following: 15 calls for audible alarms; 18 of these calls were disturbances (7 individual and 11 group) requiring multiple officers/police unit response; 5 were related to petty theft, fraud, leaving without paying bill; 7 were for bar checks/ABC compliance-police inspections; 3 were grand theft auto calls; and 16 were related to police special investigations, calls for loitering, and community relations site visits.
- 1245 San Fernando Road, Unit# 100 (Valley Wing Pit) is in reporting District Area 3. During the same reporting period of September 9, 2012 and November 24, 2014, it was determined that 1224 Part 1 crimes were reported of those 456 or 37 percent were reported District Area 3.
- Adjacent District Area 2 had 415 Part 1 Crimes reported or 34 percent of the total crimes.
- District Area 1 located to the north of Area 2 had the least Part 1 Crimes reported with 353 during the reporting period or approximately 29 percent of the total crimes.

The November 25, 2014, Memorandum from San Fernando Police Department (SFPD) Officer Jorge Cervantes to Community Development Director, Fred Ramirez, expresses SFPD's formal objection to Valley Wing Pit's proposed request to amend the existing CUP 2005-01 pursuant to CUP 2014-04 due to the public safety concerns previously noted above. (See Attachment 6.)

In the past, SFPD officers have responded to the subject location for "[disturbances] fights in progress, intoxicated customers refusing to leave the business after hours, security guards getting into physical confrontations with customers, and at times the owners of the business not being present when immediate police presence was required." (See Attachment 6.)

Officer Cervantes noted an example of a SFPD response to the establishment for a "large group of subjects fighting...officers noticed that the subjects were rival gang members. Due to the fact that the group was extremely large in numbers, the on-duty watch commander made the decision to request officers from the Los Angeles Police Department to assist with the safely dispersing of the subjects." (See Attachment 6.)

In addition, the subject establishment has been required to pay over \$6,400 in ABC fines, for serving an alcoholic beverage to a minor decoy and also for not posting the ABC licenses conditions as required by ABC.

4. Conditional Use Permit Findings: As the name implies, a Conditional Use Permit (CUP) allows the city 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 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 staff's assessment that the findings for approval of the CUP cannot be made in this instance based on the aforementioned discussion, and as explained below for each of the required findings of fact.

It is staff's assessment that the finding for denial of the CUP can be made in this instance based on the aforementioned discussion, and as explained below.

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

The existing on-site sale and consumption of alcoholic beverages conditional use permit, as an ancillary use in conjunction with a bona fide eating establishment complies with the requirements of the City Code. Pursuant to City Code Section 106-179(c)(1) bona fide public eating places like the subject restaurant an exemption from distance separation requirements that would otherwise apply to businesses seeking a CUP for either the on-site sale or off-sale of alcoholic beverages. Thus, it is staff's assessment that this finding can be made.

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

The existing establishment is within an existing mixed-use commercial development. The restaurant use at the subject site is consistent with uses permitted and envisioned in the Corridors Specific Plan. The on-site sale and consumption of alcoholic beverages as an ancillary use to a bona fide eating establishment does not adversely impact the character of the Mixed-Use Transition Sub-District of the SP-4 San Fernando Corridors Specific Plan zone. The existing restaurant use is consistent with the pattern of development and uses allowed in the commercial corridor within the Truman/San Fernando District's Mixed-Use Transition Sub-District of the SP-4 zone. In addition, the continued operation of a restaurant with on-site sale and consumption of alcoholic beverages as part of the existing larger mixed use project helps to make the site a destination point and promotes the revitalization of a previously underutilized site consistent with the General Plan Land Use Element Objectives which seek "to attract new commercial activities, within the downtown area." (General Plan Land Use Element, p. IV-6). Thus, it is staff's assessment that this finding can be made.

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

The existing 3,998 square foot bona fide eating establishment is located within an approximate 8,850 square foot commercial building on an approximate 44,000 square

foot (1.01 acres) commercial lot that includes 45 on-site parking spaces and an additional 52 spaces available to the development at the ancillary off-site facility located at 1300 San Fernando Road. The existing conditions of approval for this conditional use permit limit the proposed ancillary use to the existing building including the proposed covered patio area and during the hours when food is served. 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 existing and ongoing operation of a restaurant use with ancillary on-site sale and consumption of alcoholic beverages is compatible with current land uses on the subject property. Additional permitted uses, ranging from restaurant uses to office and service based uses, are presently located within the subject property. The existing establishment with a conditional use permit for on-site sales of alcoholic beverages in conjunction with a bona fide restaurant is compatible with the other uses on-site, due to a wide range of operation hours between different businesses. Thus, it is staff's assessment that this finding can be made.

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

The on-site sale and consumption of alcoholic beverages as an ancillary use in conjunction with a bona fide public eating place as a themed restaurant is compatible with the pattern of development and mixture of uses envisioned along the Mixed-Use Transition Sub-District of the SP-4 zone. As such, the continued operation of restaurant use with the ancillary sale and consumption of alcoholic beverages is compatible with the existing and future land uses within the zoning district and commercial corridors and is intended to provide a unique eating place for the community and promote the site as one of the new destination points within the greater downtown area. 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 continued on-site sale and consumption of alcoholic beverages as an ancillary use in conjunction with a bona fide eating establishment use at the subject property will not adversely affect the water, sanitation and public utilities serving the existing commercial building. 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 site is a through lot with street frontages along two major thoroughfares (San Fernando Road and Truman Street). The subject building has its primary entrance accessible along its frontage on San Fernando Road and another entrance accessible from an exterior common passageway traversing the site leading towards the on-site parking area. The location of the on-site and off-site ancillary parking lot collectively provide the required number of parking stalls for the restaurant use and adjoining commercial uses within the existing building that are all accessible during the restaurant's existing and proposed hours of operation. Thus, it is staff's assessment that this finding can be made.

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

The existing on-site sale and consumption of alcoholic beverages in conjunction with a bona fide eating establishment continues to be appropriate and consistent with the type of use permitted within the Mixed-Use Transition Sub-District of the SP-4 zone. The restaurant serves as an anchor tenant to the mixed use development within the subject site while providing a place for social gathering and interaction in the community and within the commercial corridors. In addition, the proposed restaurant use with the ancillary on-site sale and consumption of alcoholic beverages would be consistent with the General Plan Land Use Element Objectives which seek "to attract new commercial activities, within the downtown area." (General Plan Land Use Element, p. IV-6). Thus, it is staff's assessment that this finding can be made.

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

The continued operation of a restaurant use in conjunction with the ancillary sale and consumption of alcoholic beverages with associated expanded hours and introduction of special events and live entertainment per se are consistent with the objectives and policies of the General Plan that seek to enhance the economic viability of the downtown area by promoting mixed use development projects including new bona fide restaurants.

However, the San Fernando Police Department's documented multiple calls for services for the reporting period from September 9, 2012 through November 24, 2014 note that the proposed request to modify the existing CUP 2005-01 has the potential to increase the calls for police and emergency services from the subject site in a manner that is not consistent with the City's General Plan objectives, policies, general land uses and

programs. The potential impacts attributed with the applicants proposed request would be contrary to the general plan goals that seek to retain the small town character of San Fernando, promote the economic viability of the commercial areas, and attract new commercial activities in the downtown that are family oriented and deemed safe for all segments of the community to patronize. (City General Plan Land Use Element Goals and Objectives, Pg. IV-6.) The police records noted that the existing operation of a bona fide public eating place with ancillary on-site sale and consumption of alcoholic beverages at the subject site under the existing conditions of approval for CUP 2005-01 that include closing times of 10 pm, no live entertainment, and limited special events at the subject site have still resulted in 18 calls attributed to disturbances that included physical confrontations (7 individual and 11 group disturbance calls) that required multiple officers/police unit responses.

Therefore, it is the City's assessment that applicant's request to amend the current conditions to extend the hours open until 2 am in the morning, allow live entertainment, and four special events that may include use of the outdoor open space and parking area has the potential to create additional calls for police service that would occupy existing police patrols time and limit their ability to respond to other calls for service within the community. Thus, it is staff's assessment that this finding cannot be made.

**j) The proposed use would be detrimental to the public interest, health, safety, convenience or welfare.**

A modification to the existing CUP 2005-01 pursuant to CUP 2014-04 would be detrimental to the public interest, health, safety, convenience and welfare based on the documented history by the San Fernando Police Department of calls for services attributed to disturbances at the subject site that included individual and group fights and public drunkenness that in one instance overtaxed City police staffing and resulted in a request for mutual aid from the Los Angeles Police Department. Based on above-mentioned incidents on-site; the requirement of numerous public safety individuals to mitigate unsafe situations at the subject site, and calls for service that have required city police personnel to request mutual aid assistance from the Los Angeles Police Department it is staff's assessment that the applicant and current operator of the Valley Wing Pit has not provided the adequate track record of self-enforcement including providing adequate security and limiting the serving of alcohol to intoxicated individuals that have in some instances resulted in the calls for services related to individual and group disturbances. Thus, it is staff's assessment that this finding cannot be made.

5. Supplemental Findings for On-sale CUPs. In addition to those findings set forth in City Code Section 106-145, as discussed in Section 4 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 San Fernando Police Department for the subject property, there were a total of sixty-four (64) calls for service to Valley Win Pit between September 9, 2012 and November 24, 2014. These calls for service included fifteen (15) false business alarms, three (3) vehicle thefts, eighteen (18) disturbances, two (2) fraud issues, eleven (11) loitering issues, three (3) petty theft instances, five (5) subpoena services and seven (7) bar checks/ABC follow-ups. These calls for service range from individual disturbances, disturbances with arrests, group disturbances to vandalism instances. (Attachment No. 7)

The requested modification to the existing conditional use permit has the potential to intensify crime within the reporting district that it is located in. An extension of operation hours, additional special events and the inclusion of live entertainment would contribute to more calls for service and problematic instances at the subject establishment. Thus, it is staff's assessment that this finding cannot 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 existing establishment is located within a zone that allows for residential land uses and currently there are residential land uses located within 500 feet or residential land uses located south of Celis Street. Based on the current calls for service to the subject property it is staff's assessment that the modification of the existing CUP 2005-01 is not warranted based on the potential for said modification to result in additional calls for services including disturbances that have the potential to adversely impact on-site users and neighboring residential land uses. Thus, it is staff's assessment that this finding cannot be made.

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

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

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

Valley Wing Pit is located within Census Tract No. 3203 and has a published total population of 6,948 residents as of the 2010 United States Census. There are a total of twelve (12) on-sale and thirteen (13) off-sale alcohol licenses within the census tract.

A review of City and ABC records indicates that there are 13 on-sale alcohol outlets (one (1) on-sale alcohol outlet for every 535 residents) within Census Tract No. 3203. Per ABC, the current Los Angeles County ("County") ratio for on-sale licenses is 1 license for every 1,047 residents and the off-sale license is 1 license for every 1,537 residents. Therefore, the existing City ratio of 1 license for every 535 is greater than the County ratio of 1,047 resulting in an undue concentration of on-sale licenses within Census Tract 3203.

It is staff's assessment that the requested modification of the existing conditional use permit would not serve and public convenience or necessity based on the existing history of calls for police service attributed to disturbance that include physical altercations including individuals and groups as well as public intoxication. The history of instances at the subject site and the proposed activities would not mitigate current and potential issues, per extended hours of operation, special events and additional entertainment activities being sought for the subject site. Thus, it is staff's assessment that this finding cannot be made in this case.

#### **CONCLUSION:**

In light of the above analysis, it is staff's recommendation that the Planning and Preservation Commission deny Conditional Use Permit 2014-04, pursuant to Planning and Preservation Commission Resolution 2014-13.

Staff's recommendation for denial of the conditional use permit is based on the numerous calls for services associated with the current operation of the Valley Wing Pit restaurant at the subject site that have resulted in numerous calls that have significantly impacted city police personnel's ability to respond to calls citywide and therefore have the potential put at risk the general public health, safety, and general welfare that relies on rapid response times from city emergency responders such as City police and fire department personnel. Staffs' recommendation to deny Conditional Use Permit 2014-04 would result in not allowing a modification of the existing Conditional Use Permit 2005-01, which sought to: 1) develop a stage area in the business to facilitate live entertainment; 2) modify business operating hours from the current 10 a.m. start time to 10 p.m. closing time to a proposed 11 a.m. start time and

2 a.m. closing time; and, 3) to allow a maximum of four (4) outdoor special events that includes the sale of alcoholic beverages per calendar year.

**ATTACHMENTS (7):**

1. Planning and Preservation Commission Resolution 2014-14
2. Vicinity Map
3. Project Application
4. Conditions of Approval for CUP 2005-01
5. Site Plans and Floor Plans
6. November 25, 2014 San Fernando Police Department Memorandum
7. Calls for Service Summary from September 9, 2012 – November 24, 2014





**ATTACHMENT 1:**  
**Resolution No. 2014-14**



**RESOLUTION NO. 2014-14**

**A RESOLUTION OF THE PLANNING AND PRESERVATION COMMISSION OF THE CITY OF SAN FERNANDO DENYING CONDITIONAL USE PERMIT 2014-04, A REQUEST TO MODIFY AN EXISTING CONDITIONAL USE PERMIT 2005-01 IN ORDER TO: 1) ALLOW A STAGE AREA FOR THE USE OF LIVE ENTERTAINMENT; 2) MODIFY THE HOURS OF DAILY OPERATION BY EXTENDING BUSINESS HOURS FROM 10 A.M. TO 10 P.M. TO 11 A.M. TO 2 A.M.; AND 3) TO ALLOW A MAXIMUM OF FOUR (4) OUTDOOR SPECIAL EVENT THAT INCLUDES THE SALE OF ALCOHOLIC BEVERAGES PER CALENDAR YEAR**

WHEREAS, an application has been filed by AJ Blanco and Eric Rodriguez with the City to modify an existing conditional use permit in order to: 1) allow a stage area for the use of live entertainment; 2) modify the hours of daily operation by extending business hours from 10 a.m. to 10 p.m. to 11 a.m. to 2 a.m.; and 3) to allow a maximum of four (4) outdoor special events that includes the sale of alcoholic beverages per calendar year; and

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 2<sup>nd</sup> day of December 2014.

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

SECTION 1: The Planning and Preservation Commission denied Conditional Use Permit 2014-04, determining that the modification to an existing Conditional Use Permit 2005-01 not be approved by the Planning and Preservation Commission; and

SECTION 2: This project has been reviewed for compliance with the California Environmental Quality Act (CEQA). Based on that assessment, it has been determined that this project proposal is categorically exempt from the provisions of CEQA pursuant to Guidelines Section 15301, Existing Facilities and is determined not to have a significant effect on the environment; and

SECTION 3: San Fernando City Code Section 106-145(b) sets forth the findings of fact which must be made in the affirmative in order to approve a conditional use permit application. Specifically, the Planning and Preservation Commission finds that:

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

The existing on-site sale and consumption of alcoholic beverages conditional use permit, as an ancillary use in conjunction with a bona fide eating establishment complies with the requirements of the City Code. Pursuant to City Code Section 106-179(c)(1) bona fide public eating places like the subject restaurant an exemption from distance separation requirements that would otherwise apply to

businesses seeking a CUP for either the on-site sale or off-sale of alcoholic beverages. Thus, it is commission's assessment that this finding can be made.

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

The existing establishment is within an existing mixed-use commercial development. The restaurant use at the subject site is consistent with uses permitted and envisioned in the Corridors Specific Plan.

The on-site sale and consumption of alcoholic beverages as an ancillary use to a bona fide eating establishment does not adversely impact the character of the Mixed-Use Transition Sub-District of the SP-4 San Fernando Corridors Specific Plan zone. The existing restaurant use is consistent with the pattern of development and uses allowed in the commercial corridor within the Truman/San Fernando District's Mixed-Use Transition Sub-District of the SP-4 zone. In addition, the continued operation of a restaurant with on-site sale and consumption of alcoholic beverages as part of the existing larger mixed use project helps to make the site a destination point and promotes the revitalization of a previously underutilized site consistent with the General Plan Land Use Element Objectives which seek "to attract new commercial activities, within the downtown area." (General Plan Land Use Element, p. IV-6). Thus, it is commission's assessment that this finding can be made.

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

The existing 3,998 square foot bona fide eating establishment is located within an approximate 8,850 square foot commercial building on an approximate 44,000 square foot (1.01 acres) commercial lot that includes 45 on-site parking spaces and an additional 52 spaces available to the development at the ancillary off-site facility located at 1300 San Fernando Road. The existing conditions of approval for this conditional use permit limit the proposed ancillary use to the existing building including the proposed covered patio area and during the hours when food is served. Thus, it is commission's assessment that this finding can be made.

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

The existing and ongoing operation of a restaurant use with ancillary on-site sale and consumption of alcoholic beverages is compatible with current land uses on the subject property. Additional permitted uses, ranging from restaurant uses to office and service based uses, are presently located within the subject property. The existing establishment with a conditional use permit for on-site sales of alcoholic beverages in conjunction with a bona fide restaurant is compatible with the other uses on-site, due to a wide range of operation hours between different businesses. Thus, it is commission's assessment that this finding can be made.

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

The on-site sale and consumption of alcoholic beverages as an ancillary use in conjunction with a bona fide public eating place as a themed restaurant is compatible with the pattern of development and mixture of uses envisioned along the Mixed-Use Transition Sub-District of the SP-4 zone. As

such, the continued operation of restaurant use with the ancillary sale and consumption of alcoholic beverages is compatible with the existing and future land uses within the zoning district and commercial corridors and is intended to provide a unique eating place for the community and promote the site as one of the new destination points within the greater downtown area. Thus, it is commission's assessment that this finding can be made.

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

The continued on-site sale and consumption of alcoholic beverages as an ancillary use in conjunction with a bona fide eating establishment use at the subject property will not adversely affect the water, sanitation and public utilities serving the existing commercial building. Thus, it is commission's assessment that this finding can be made.

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

The subject site is a through lot with street frontages along two major thoroughfares (San Fernando Road and Truman Street). The subject building has its primary entrance accessible along its frontage on San Fernando Road and another entrance accessible from an exterior common passageway traversing the site leading towards the on-site parking area. The location of the on-site and off-site ancillary parking lot collectively provide the required number of parking stalls for the restaurant use and adjoining commercial uses within the existing building that are all accessible during the restaurant's existing and proposed hours of operation. Thus, it is commission's assessment that this finding can be made.

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

The existing on-site sale and consumption of alcoholic beverages in conjunction with a bona fide eating establishment continues to be appropriate and consistent with the type of use permitted within the Mixed-Use Transition Sub-District of the SP-4 zone. The restaurant serves as an anchor tenant to the mixed use development within the subject site while providing a place for social gathering and interaction in the community and within the commercial corridors. In addition, the proposed restaurant use with the ancillary on-site sale and consumption of alcoholic beverages would be consistent with the General Plan Land Use Element Objectives which seek "to attract new commercial activities, within the downtown area." (General Plan Land Use Element, p. IV-6). Thus, it is commission's assessment that this finding can be made.

**9. The proposed use is not consistent with the objectives, policies, general land uses and programs of the City's general plan.**

The continued operation of a restaurant use in conjunction with the ancillary sale and consumption of alcoholic beverages with associated expanded hours and introduction of special events and live entertainment per se are consistent with the objectives and policies of the General Plan that seek to

enhance the economic viability of the downtown area by promoting mixed use development projects including new bona fide restaurants.

However, the San Fernando Police Department's documented multiple calls for services for the reporting period from September 9, 2012 through November 24, 2014 note that the proposed request to modify the existing CUP 2005-01 has the potential to increase the calls for police and emergency services from the subject site in a manner that is not consistent with the City's General Plan objectives, policies, general land uses and programs. The potential impacts attributed with the applicants proposed request would be contrary to the general plan goals that seek to retain the small town character of San Fernando, promote the economic viability of the commercial areas, and attract new commercial activities in the downtown that are family oriented and deemed safe for all segments of the community to patronize. (City General Plan Land Use Element Goals and Objectives, Pg. IV-6.) The police records noted that the existing operation of a bona fide public eating place with ancillary on-site sale and consumption of alcoholic beverages at the subject site under the existing conditions of approval for CUP 2005-01 that include closing times of 10 pm, no live entertainment, and limited special events at the subject site have still resulted in 18 calls attributed to disturbances that included physical confrontations (7 individual and 11 group disturbance calls) that required multiple officers/police unit responses.

Therefore, it is the City's assessment that applicant's request to amend the current conditions to extend the hours open until 2 am in the morning, allow live entertainment, and four special events that may include use of the outdoor open space and parking area has the potential to create additional calls for police service that would occupy existing police patrols time and limit their ability to respond to other calls for service within the community. Thus, it is commission's assessment that this finding cannot be made.

**10. The proposed use would be detrimental to the public interest, health, safety, convenience or welfare.**

A modification to the existing CUP 2005-01 pursuant to CUP 2014-04 would be detrimental to the public interest, health, safety, convenience and welfare based on the documented history by the San Fernando Police Department of calls for services attributed to disturbances at the subject site that included individual and group fights and public drunkenness that in one instance overtaxed City police staffing and resulted in a request for mutual aid from the Los Angeles Police Department. Based on above-mentioned incidents on-site; the requirement of numerous public safety individuals to mitigate unsafe situations at the subject site, and calls for service that have required city police personnel to request mutual aid assistance from the Los Angeles Police Department it is staff's assessment that the applicant and current operator of the Valley Wing Pit has not provided the adequate track record of self-enforcement including providing adequate security and limiting the serving of alcohol to intoxicated individuals that have in some instances resulted in the calls for services related to individual and group disturbances. Thus, it is commission's assessment that this finding cannot be made.

**SECTION 4:** San Fernando City Code Section 106-178(a) sets forth the findings of fact which must be made in the affirmative in order to approve a conditional use permit application. Specifically, the Planning and Preservation Commission finds that:

**1. That the existing or proposed use does or will encourage or intensify crime within the reporting district that it is located.**

In review of reporting data from the San Fernando Police Department for the subject property, there were a total of sixty-four (64) calls for service to Valley Wing Pit between September 9, 2012 and November 24, 2014. These calls for service included fifteen (15) false business alarms, three (3) vehicle thefts, eighteen (18) disturbances, two (2) fraud issues, eleven (11) loitering issues, three (3) petty theft instances, five (5) subpoena services and seven (7) bar checks/ABC follow-ups. These calls for service range from individual disturbances, disturbances with arrests, group disturbances to vandalism instances.

The requested modification to the existing conditional use permit has the potential to intensify crime within the reporting district that it is located in. An extension of operation hours, additional special events and the inclusion of live entertainment would contribute to more calls for service and problematic instances at the subject establishment. Thus, it is commission's assessment that this finding cannot be made.

**2. That the existing or proposed use does or will adversely impact any residential use, church, hospital, educational institution, day care facility, park, or library within the surrounding area.**

The existing establishment is located within a zone that allows for residential land uses and currently there are residential land uses located within 500 feet or residential land uses located south of Celis Street. Based on the current calls for service to the subject property it is staff's assessment that the modification of the existing CUP 2005-01 is not warranted based on the potential for said modification to result in additional calls for services including disturbances that have the potential to adversely impact on-site users and neighboring residential land uses. Thus, it is commission's assessment that this finding cannot be made.

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

Pursuant to City Code Section 106-179(c)(1), bona fide eating places/restaurants like Valley Wing Pit are exempt from distance separation requirements that would otherwise apply to businesses seeking a CUP for either the on-site sale or off-sale and consumption of alcoholic beverages. Thus, it is commission's assessment that this finding can be made.

**4. If required by City Code Section 106-180, that the existing or proposed use will not serve a public convenience or necessity, as defined in section 106-180.**

Valley Wing Pit is located within Census Tract No. 3203 and has a published total population of 6,948 residents as of the 2010 United States Census. There are a total of twelve (12) on-sale and thirteen (13) off-sale alcohol licenses within the census tract.

A review of City and ABC records indicates that there are 13 on-sale alcohol outlets (one (1) on-sale alcohol outlet for every 535 residents) within Census Tract No. 3203. Per ABC, the current Los Angeles County (“County”) ratio for on-sale licenses is 1 license for every 1,047 residents and the off-sale license is 1 license for every 1,537 residents. Therefore, the existing City ratio of 1 license for every 535 is greater than the County ratio of 1,047 resulting in an undue concentration of on-sale licenses within Census Tract 3203.

It is staff’s assessment that the requested modification of the existing conditional use permit would not serve and public convenience or necessity based on the existing history of calls for police service attributed to disturbance that include physical altercations including individuals and groups as well as public intoxication. The history of instances at the subject site and the proposed activities would not mitigate current and potential issues, per extended hours of operation, special events and additional entertainment activities being sought for the subject site. Thus, it is commission’s assessment that this finding cannot be made.

BE IT FURTHER RESOLVED that based upon the foregoing, the Planning and Preservation Commission hereby denies the request for Conditional Use Permit 2014-04 that would have allowed for the modification of an existing Conditional Use Permit 2005-01 in order to: 1) allow a stage area for the use of live entertainment; 2) modify the hours of daily operation by extending business hours from 10 a.m. to 10 p.m. to 11 a.m. to 2 a.m.; and 3) to allow a maximum of four (4) outdoor special events that includes the sale of alcoholic beverages per calendar year.

PASSED, APPROVED AND ADOPTED this 2nd day of December 2014.

(SIGNATURES ON THE FOLLOWING PAGE)



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THEALE HAUPT, CHAIRPERSON

ATTEST:

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FRED RAMIREZ, SECRETARY TO THE PLANNING  
AND PRESERVATION COMMISSION

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

I, FRED RAMIREZ, Secretary to the Planning and Preservation Commission of the City of San Fernando, do hereby certify that the foregoing Resolution No. 2014-14 was duly adopted by the Planning and Preservation Commission and signed by the Chairperson of said City at a meeting held on the 2nd day of December 2014; and that the same was passed by the following vote, to wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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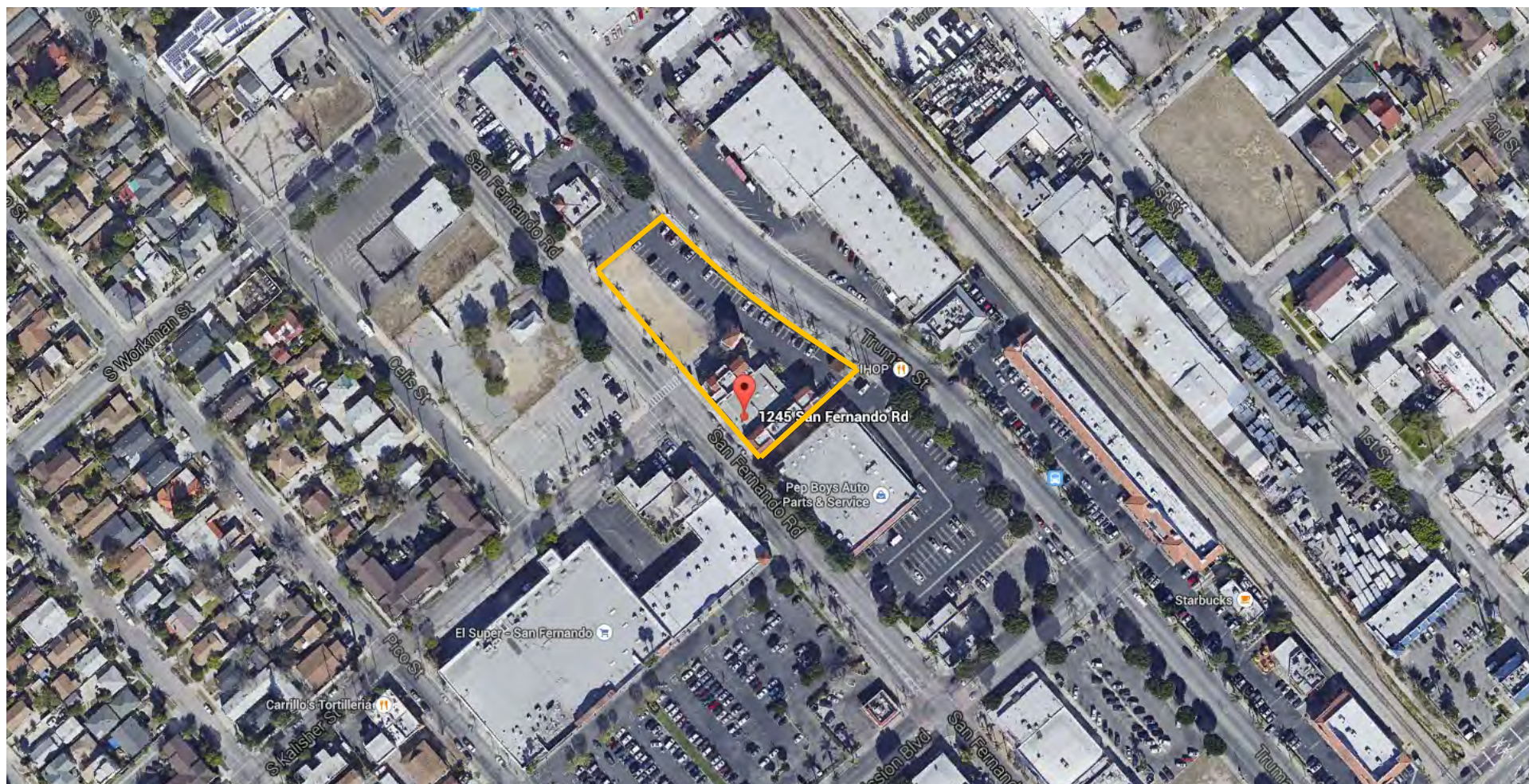
FRED RAMIREZ, SECRETARY TO THE PLANNING AND  
PRESERVATION COMMISSION



**ATTACHMENT 2:**

**Vicinity Map**





Vicinity Map

1245 San Fernando Road



**ATTACHMENT 3:**

**Project Application**





Conditional Use Permit Application

**PROJECT INFORMATION**

Site Address(es) <u>1245 San Fernando rd. San Fernando CA 91340 #100</u>	
Assessors Parcel Number(s) 'APN' <u>2521-017-021</u>	
Lot Size	Existing Building (Square Footage) <u>3998</u>
Proposed Addition (Square Footage)	Total Parking Spaces (On-site/Off-site) <u>97</u>
Proposed Use(s) <u>EXTENDED HOURS / LIVE ENTERTAINMENT</u>	Landscaping (Square Footage)
Project Description/Type of Conditional Use Permit Request (Include any additional information on separate sheet and attach to the back of this application.) <u>AMENDMENT to EXISTING CONDITIONAL USE PERMIT</u> <u>EXTENDED HOURS FROM 11AM to 2AM, ALLOWANCE OF LIVE ENTERTAINMENT, ALLOWANCE OF ADDITIONAL OUTDOOR EVENTS (4) PER YEAR</u>	

**APPLICANT INFORMATION**

Applicant Name <u>AJ BLANCO / ERIC RODRIGUEZ</u>		Phone Number <u>661-965-3045</u>
Mailing Address <u>1245 San Fernando rd. San Fernando CA 91340</u>		
Fax Number	Email Address <u>vwpsportsbar@gmail.com</u>	Signature <u>[Signature]</u>

**PROPERTY OWNER INFORMATION**

Applicant Name <u>PROPERTY OWNER SAN FERNANDO STATION LLC</u>		Phone Number <u>818-270-9087</u>
Mailing Address <u>601 S. Brand Blvd. 3rd fl. San Fernando CA 91340</u>		
Fax Number <u>818 270 9088</u>	Email Address <u>adriana@aszkenazy.com</u>	Signature <u>[Signature]</u>

----- For Office Use Only -----

CUP Application \$3,005.00 AIMS Surcharge \$ 300.50 Environmental \$ 204.00 Notification \$ 120.00 Publishing \$ 600.00 <b>Total Fee \$4,229.50</b>	Zone <u>SP-4 (Truman/San Fernando Mixed-Use Transition)</u>	General Plan Area	File Number
	Date Filed <u>9/24/14</u>		CUP No. <u>2014-004</u> AIMS No. <u>PL1402545</u>
	Accepted By <u>Humberto Quintana</u>		Cross Reference
Comments			SPR No. _____ VAR No. _____ OTHER _____



**ATTACHMENT 4:**

**Conditions of Approval for CUP 2005-01**



**EXHIBIT "A"**  
**CONDITIONS OF APPROVAL**

**PROJECT NO.** : **Conditional Use Permit 2005-01**  
**PROJECT ADDRESS** : 1245 San Fernando Road  
**PROJECT DESCRIPTION** : A request for a conditional use permit to allow for the on-site sale and consumption of alcoholic beverages as an ancillary use to a proposed bona fide eating establishment in the Mixed Use Transition Sub-District of the SP-4 San Fernando Corridors Specific Plan zone located at 1245 San Fernando Road.

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The following conditions shall be made a part of the approval of the project, and shall be complied within their entirety:

1. That the conditional use permit is granted for the land described in this application and any attachments thereto and as shown on site plan approved by the Planning Commission on March 1, 2005.
2. That the conditional use permit is granted for the "incidental" on-site sale and consumption of alcoholic beverages. The sale of alcoholic beverages shall be "incidental to the sale of other products" as defined in City Code Section 106-177 (Definitions).
3. The On-sale Conditional Use Permit shall comply with all the applicable City provisions for the on-site sale and consumption of alcoholic beverages in conjunction with a bona fide public eating place pursuant to City Code Sections 106-176 through 106-183. All on-site sale and consumption of alcoholic beverages shall be limited to the confines of the building including the proposed patio area.
4. That the applicant shall comply with all requirements of the California Department of Alcoholic Beverage Control.
5. That the subject conditional use permit shall expire with the termination of the use, pursuant City Code Section 106-183(a-c).
6. That the sale of alcoholic beverages can only be sold during hours that meals are being served between the hours of 11:00 A.M. to 10:00 P.M. Sunday through Thursday and between 11:00 A.M. and 11:00 P.M. on Friday and Saturday.
7. The operator of the restaurant will be responsible for requiring that there be no loitering on the site at any time and that all customers shall leave the site no later than 30 minutes after closing, after which, only employee vehicles shall be allowed on the premises. A security guard service shall be employed by the restaurant operator to enforce these conditions, upon request by the City of San Fernando Community Development Department.
8. Video surveillance cameras shall be installed within the building, along pedestrian walkways, and within the on-site parking lot to the specifications of the San Fernando Police Department.



9. No live entertainment or dancing shall be allowed within the establishment, except for table-oriented performances by mobile musicians using only non-amplified instruments, and without any interior physical improvements to accommodate stage performances, and without any such limited performances after 10 P.M.
10. The doors to the establishment shall remain closed except upon entering and exiting the business.
11. 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 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 to attempt to abate the nuisance or eliminate or reduce the undesirable activities which have generated the increased demand for law enforcement services.
12. The property shall be maintained in a clean, neat, quiet and orderly manner at all times and shall comply with the property maintenance standards as set forth in the San Fernando City Code.
11. All trash bins shall have the lids closed at all times. Such bins shall have seals to eliminate objectionable odors. In addition, all trash bins shall be maintained in a clean and orderly manner.
12. The applicant shall obtain a City of San Fernando Business License in conformance with the City Code provisions.
13. Exterior public telephones that permit incoming calls shall not be located on the premises.
14. Electronic games, including video games, shall not be located on the premises.
15. Exterior lighting of the parking area shall provide adequate lighting for patrons while not disturbing or creating glare towards occupants of surrounding residential or commercial properties.
16. 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.
17. Graffiti Removal and Deterrence - The owners and all successors shall comply with the graffiti removal and deterrence requirements of the San Fernando City Code.
18. Unless otherwise specified by the Los Angeles Fire Department, the entire building shall include an automatic fire sprinkler system and approved fire alarm system.

19. Proof satisfactory to the Community Development Director shall be annually submitted to document that the sale of alcohol has remained incidental to the sale of meals.
20. Violation of, or noncompliance with, any of these conditions of approval shall constitute grounds for revocation of the conditional use permit. The conditional use permit may also be revoked as provided in San Fernando City Code Sections 106-148 and 106-183.
21. The applicant shall comply with all requirements of applicable federal, state, or local law, ordinance, or regulation.
22. Expansion or enlargement of the business premises by more than 30 percent over the life of the structure or the use shall be subject to the conditional use permit approval process.
23. A copy of the Conditions of Approval and/or subsequent appeal of this project approval and its resultant conditions and/or letters of clarification shall be printed on the building plans submitted to the Community Development Department in application for issuance of a building permit for the project.
24. Prior to issuance of a Certificate of Occupancy, the Community Development Director or designee shall inspect the site to assure compliance with these Conditions of Approval.
25. Within thirty (30) days of approval of Conditional Use Permit 2005-01 or of any modification to the conditions of the conditional use permit, the applicant shall certify his or her acceptance of the conditions of approval or modifications thereto by signing a statement that he or she accepts and shall be bound by all of the conditions.
26. The Conditional Use Permit 2005-01 shall become null and void unless exercised within six (6) months of final approval or such additional time as may be granted pursuant to the San Fernando Municipal Code, upon receipt of a written request for an extension received prior to such expiration date, and shall not become effective until a ten (10) day appeal period has elapsed. The appeal period begins after approval is given.

**I have read and understand the above conditions of Conditional Use Permit 2005-01 and agree to meet all conditions.**

9-12-12  
Date

Adriana Gomez  
Signature of Property Owner or Applicant (Representative)

ADRIANA GOMEZ  
Printed Name





**ATTACHMENT 5:**

**Site Plans and Floor Plans**



1 44" WIDE H/C PATH OF TRAVEL

2 EXISTING PARKING TO REMAIN

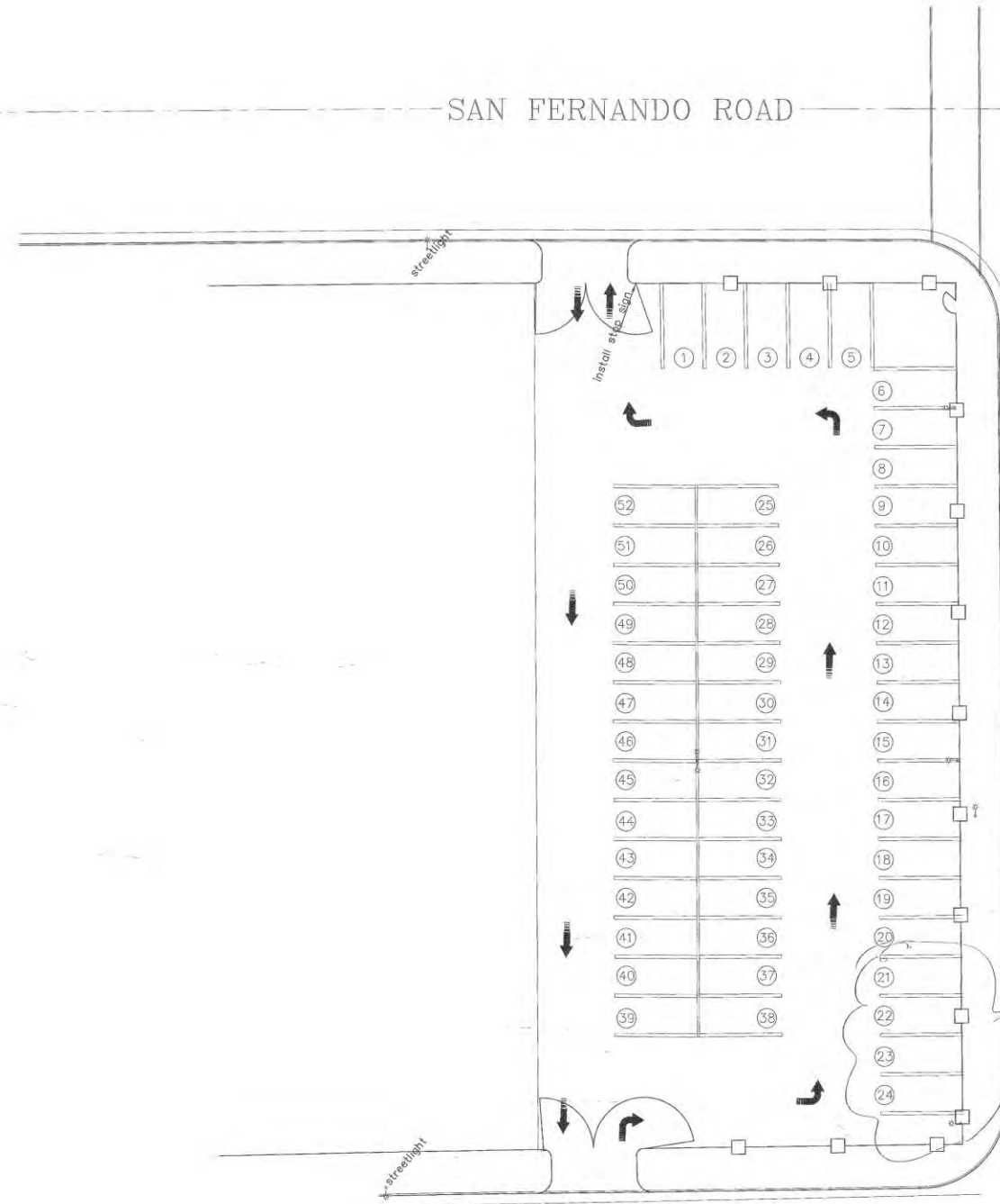


COUNTY OF LOS ANGELES  
DEPARTMENT OF PUBLIC WORKS  
ENVIRONMENTAL PROGRAMS DIVISION  
CLEARANCE  
FOR INDUSTRIAL WASTES

Facilities for the collection and disposal of liquid industrial wastes including any floor drains, floor sinks, and interceptors or other pre-treatment facilities shall be installed as shown on this plan with the traps, vents, or other appurtenances required by the Plumbing Code. No additions or alterations of these facilities shall be made without the written permission of the Environmental Programs Division.

This clearance does not permit or approve the violations of the provisions of any ordinance or statute.

By ESB Date 12/26/11  
ENVIRONMENTAL PROGRAMS DIVISION



SAN FERNANDO ROAD

KALISHER STREET

**Ancillary facility  
at 1300 San Fernando Road**

SITE PLAN  
3/16" = 1'-0"



REVISIONS	

LAURA SALDANA  
PROJECT MANAGER  
TEL: (818) 634-1300

LS DESIGN

STAMP

SITE PLAN

TENANT IMPROVEMENT  
FOR NEW SPORTSBAR

1245 SAN FERNANDO RD.  
SAN FERNANDO, CA 90026

PERMIT #

SIGNATURE  
DATE  
06-11  
SCALE  
AS NOTED  
DRAWN BY  
LS

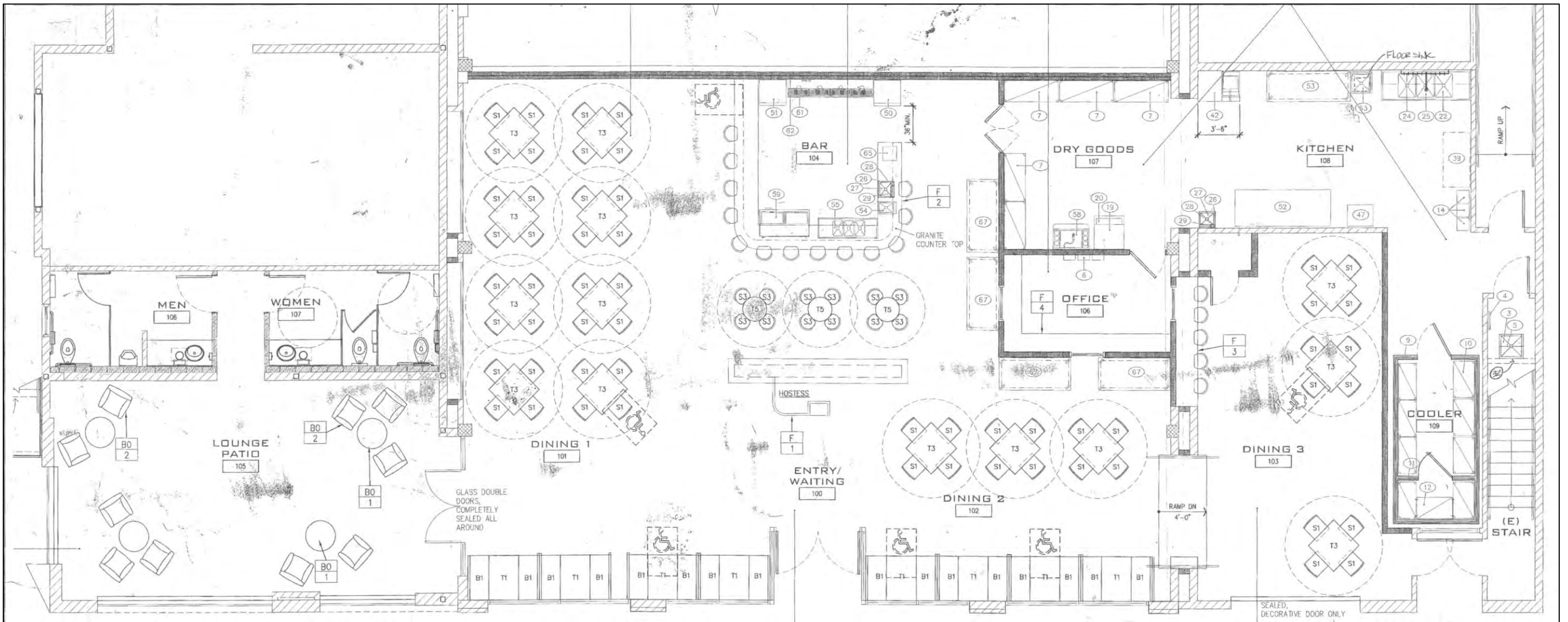
SHEET NO.

A002

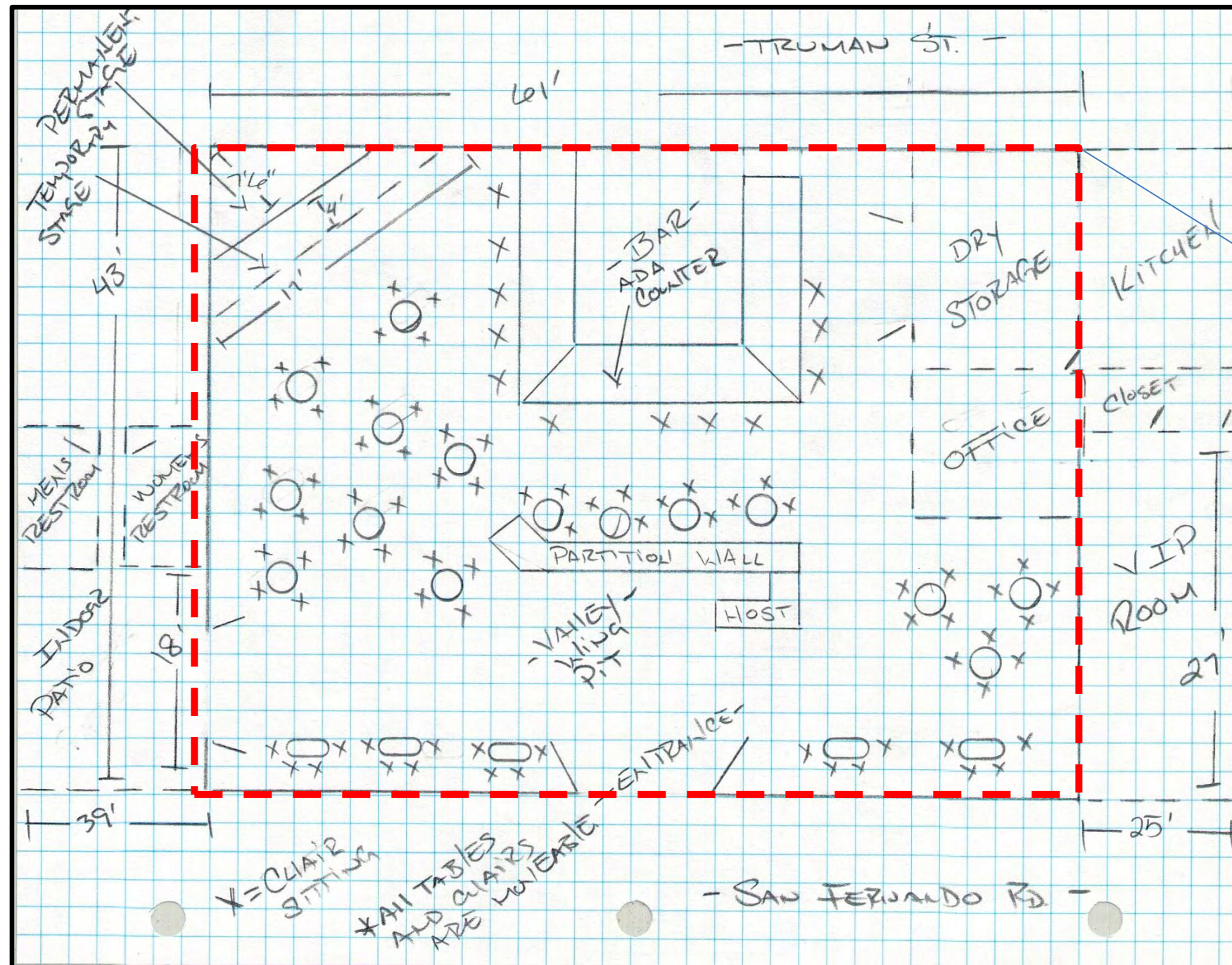
- OF - SHEETS

# Valley Wing Pit-Original Floor Plan

(Re: CUP 2005-01)

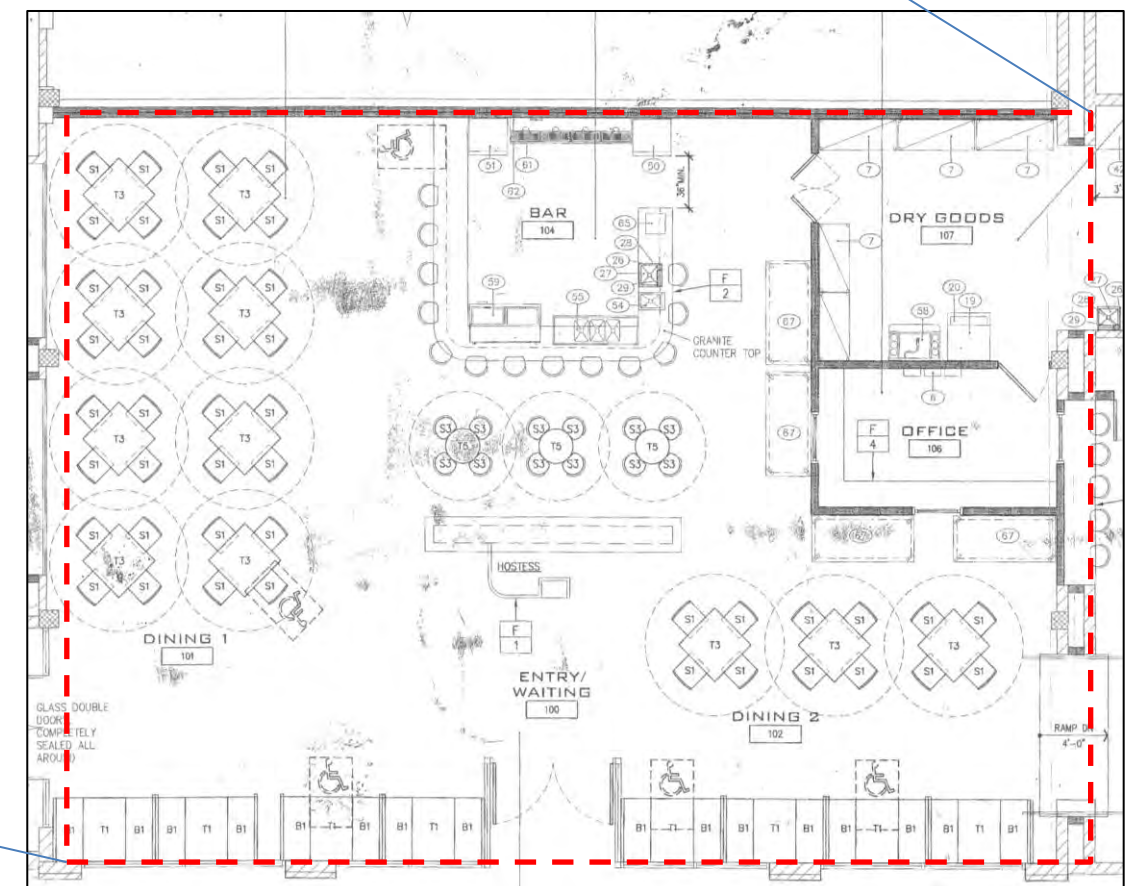






# Valley Wing Pit-Proposed Floor Plan

(Re: CUP 2014-04)



**ATTACHMENT 6:**

**November 25, 2014 San Fernando Police  
Department Memorandum**








## MEMORANDUM

**To:** Fred Ramirez, Community Development Director

**From:** Jorge Cervantes, Police Officer 

**Date:** November 25, 2014

**Subject:** Conditional Use Permit 2014-004- 1245 San Fernando Road

I am the liaison officer between the San Fernando Police Department, (SFPD) and the Department of Alcoholic Beverage Control, (ABC). I have been directly involved with the enforcement of ABC Rules & Regulations, and ensuring that the thirty-nine ABC licensees in the City of San Fernando are in compliance.

Please accept this memorandum as a formal objection from SFPD, in regards to the modification of the Conditional Use Permit (CUP), for Valley Wing Pit LLC, located at 1245 San Fernando Road, in the City of San Fernando. The reason for the objection is due to public safety concerns.

In the past, SFPD officers have responded to the location for fights in progress, intoxicated customers refusing to leave the business after hours, security guards getting into physical confrontations with customers, and at times the owners of the business not being present when immediate police presence was required, causing the employee(s) to contact the owner by telephone instead of calling the police for immediate police assistance.

As example, on January 05, 2013, SFPD officers responded to the establishment for a large group of subjects fighting. When SFPD officers arrived, officers noticed that the subjects fighting were rival gang members, (San Fer gang members vs. Pacoima gang members). Due to the fact that the group was extremely large in numbers, the on-duty watch commander made the decision to request officers from the Los Angeles Police Department, (LAPD) to assist with safely dispersing the subjects.

Valley Wing Pit LLC, has been very active since it opened. Up to date, the owners of the establishment have paid over \$6,400 in ABC fines, for serving an alcoholic beverage to a minor decoy, and for not properly posting the ABC license conditions as required by ABC. Should you require copies of the incident reports, please feel free to contact me.



**ATTACHMENT 7:**

**Calls for Service Summary from September 9,  
2012 – November 24, 2014**



1245 San Fernando Road, Unit # 100 Calls for Service Summary from 9-9-2012 through 11-24-2014								
	Type of Call for Police Service							
Date	False Alarm-Audible Alarm Calls	GTA-Grand Theft Auto	Disturbance	Forgery - Fraud	Loitering-Suspicious Circumstances-Community Relations	Leaving w-out Paying Tab/Petty Theft	Special Assignment-Subpoena Service	Bar Check-ABC Follow Up
10/6/2012	1							
10/24/2012	1							
10/29/2012	1							
11/5/2012			1					
12/1/2012			1					
12/8/2012			1					
12/14/2012					1			
12/15/2012					1			
12/18/2012					1			
	False Alarm-Audible Alarm Calls	GTA-Grand Theft Auto	Disturbance	Forgery - Fraud	Loitering-Suspicious Circumstances-Community Relations	Leaving w-out Paying Tab/Petty Theft	Special Assignment-Subpoena Service	Bar Check-ABC Follow Up
Subtotal	3	0	3	0	3	0	0	0
1/5/2013			1					
1/13/2013			1					
1/13/2013			1					1
2/3/2013								
2/18/2013	1							
2/19/2013	1							
3/3/2013			1					
3/21/2013		1						
4/9/2013				1				
4/17/2013	1							
4/25/2013			1					
5/8/2013			1					
6/9/2013					1			
6/27/2013				1				
7/29/2013	1							
8/9/2013			1					
8/27/2013	1							
8/30/2013	1							
9/9/2013		1						
9/14/2013			1					
10/6/2013			1					
10/24/2013					1			
12/29/2013	1							
	False Alarm-Audible Alarm Calls	GTA-Grand Theft Auto	Disturbance	Forgery - Fraud	Loitering-Suspicious Circumstances-Community Relations	Leaving w-out Paying Tab/Petty Theft	Special Assignment-Subpoena Service	Bar Check-ABC Follow Up
Subtotal	7	2	9	2	2	0	0	1
1/10/2014			1					
1/17/2014					1			
1/19/2014								1
1/23/2014							1	
1/25/2014							1	
2/2/2014							1	
2/4/2014							1	
2/9/2014	1							
2/10/2014						1		
3/6/2014	1							
3/7/2014						1		
3/8/2014	1							
3/9/2014	1							
3/13/2014	1							
3/16/2014					1			
5/10/2014			1					
5/17/2014								1
5/19/2014			1					
6/13/2014								1
6/25/2014						1		
7/12/2014					1			
8/2/2014								1
8/8/2014					1			
8/23/2014					1			
8/23/2014			1					
9/8/2014			1					
9/11/2014								1
10/12/2014			1					
10/28/2014		1						
11/11/2014							1	
11/12/2014					1			
11/13/2014								1
	False Alarm-Audible Alarm Calls	GTA-Grand Theft Auto	Disturbance	Forgery - Fraud	Loitering-Suspicious Circumstances-Community Relations	Leaving w-out Paying Tab/Petty Theft	Special Assignment-Subpoena Service	Bar Check-ABC Follow Up
Subtotal	5	1	6	0	6	3	5	6

1245 San Fernando Road, Unit # 100 Calls for Service Summary from 9-9-2012 through 11-24-2014									
	False Alarm-Audible Alarm Calls	GTA-Grand Theft Auto	Disturbance	Forgery - Fraud	Loitering-Suspicious Circumstances-Community Relations	Leaving w-out Paying Tab/Petty Theft	Special Assignment-Subpoena Service	Bar Check-ABC Follow Up	Total Calls for Service
Totals	15	3	18	2	11	3	5	7	64

	Individual Disturbance-Verbal
	Group Disturbance-Fight

	Disturbance w Arrest
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	Unlawful Driving
--	------------------

	Vandalism
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	Medical Incident-Siezure
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	Car Accident
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# CALIFORNIA High-Speed Rail Authority

## COMMUNITY OPEN HOUSE NOTICE

### Palmdale to Burbank Project Section

The Palmdale to Burbank Project Section proposes to connect the Antelope Valley to the San Fernando Valley by traveling from the Palmdale Transportation Center to the Burbank Airport Station. Please join us at the upcoming Community Open House meetings to learn more about the alternatives under consideration.

*The California High-Speed Rail Authority is implementing a statewide rail modernization plan that will meet the state's 21st Century transportation needs.*

#### LEARN THE LATEST ABOUT THE PROPOSED ALTERNATIVES

##### SANTA CLARITA

**Tuesday, December 2, 2014**

**5:30 p.m. to 7:30 p.m.**

Santa Clarita Activities Center  
20880 Centre Pointe Parkway  
Santa Clarita, CA 91350

##### SHADOW HILLS

**LAKE VIEW TERRACE**

**FOOTHILL COMMUNITIES**

**Wednesday, December 3, 2014**

**5:30 p.m. to 7:30 p.m.**

Stonehurst Recreation Center  
9901 Dronfield Avenue  
Sun Valley, CA 91352

##### PALMDALE

**Thursday, December 4, 2014**

**5:30 p.m. to 7:30 p.m.**

Chimbole Cultural Center  
38350 Sierra Highway  
Palmdale, CA 93550

##### BURBANK

**Monday, December 8, 2014**

**5:30 p.m. to 7:30 p.m.**

Buena Vista Branch Library  
300 N. Buena Vista Street  
Burbank, CA 91505

##### SAN FERNANDO

**Tuesday, December 9, 2014**

**5:30 p.m. to 7:30 p.m.**

Las Palmas Community Center  
505 S. Huntington Street  
San Fernando, CA 91340

##### SYLMAR

**Wednesday, December 10, 2014**

**5:30 p.m. to 7:30 p.m.**

Olive Vista Middle School  
14600 Tyler Street  
Sylmar, CA 91342

##### ACTON/AGUA DULCE

**Saturday, December 13, 2014**

**9:30 a.m. to 11:30 a.m.**

High Desert School  
3620 Antelope Woods Road  
Acton, CA 93510

##### LANGUAGE AND OTHER NEEDS

Interpretación en Español será disponible en todas las reuniones.

Հայերենի բանավոր թարգմանություն կտրամադրվի Բրբանկի հանդիպման ժամանակ

산타클라리타 모임에서 한국어 통역이 제공됩니다.

จะมีการแปลเป็นภาษาไทยในการประชุมที่ซานเฟอร์นันโด

На собрании в Силмар будет предоставлен русский перевод.

Other language requests must be submitted 72 hours in advance. Meeting facilities are accessible for persons with disabilities. All requests for reasonable accommodations must be made three working days (72 hours) in advance of the scheduled meeting date. Please call (800) 630-1039 or the California Relay Service at 711.



facebook.com/  
CaliforniaHighSpeedRail



twitter.com/cahsra



youtube.com/user/  
CAHighSpeedRail

**www.hsr.ca.gov | (800) 630-1039 | palmdale\_burbank@hsr.ca.gov**





**Los Angeles Homeless Services Authority**



# **They Count, Will You?**



**2015**  
**Greater Los Angeles**

**Homeless**  
**Count**

For more information:  
[www.TheyCountWillYou.org](http://www.TheyCountWillYou.org)

**January 27th**

**San Gabriel Valley**  
**East L.A. County**

**January 28th**

**West Los Angeles**  
**South Bay**

**January 29th**

**Antelope Valley**  
**San Fernando Valley**  
**Metro Los Angeles**  
**South Los Angeles**

Questions? [HomelessCount@lahsa.org](mailto:HomelessCount@lahsa.org)



# **COMMUNITY FORUM**

*Informative forum regarding the new law, Assembly Bill (AB 60), related to the licensing of applicants who are unable to submit satisfactory proof of legal residence in the United States.*

**San Fernando Middle School**

**Auditorium**

**130 North Brand Boulevard, San Fernando, CA 91340**

**Monday, December 15, 2014**

**6:30PM-8:30 PM**

- *Prepare yourself to obtain your driver license in 2015.*
- *Department of Motor Vehicles (DMV), and San Fernando Police Department (SFPD), will provide a panel to answer many of your questions related to the new law, Assembly Bill (AB) 60.*
- *Learn from DMV what documentation will be needed to apply for your driver license.*
- *Learn from SFPD the steps taken to ensure equal treatment of all licensed motorists.*
- *Learn about efforts to minimize fraud of driver licenses.*

**Questions? Contact SFPD Officer Cervantes, (818) 898-7389**