



**CITY OF SAN FERNANDO
COUNCIL CHAMBERS**

**PLANNING AND PRESERVATION COMMISSION AGENDA
MAY 7, 2013**

1. CALL TO ORDER

7:00 P.M.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Chairperson Theale Haupt, Vice-chair Alvin Durham, Commissioners, Kevin Beaulieu, Yvonne G. Mejia, and Rudy Salinas, Jr.

4. APPROVAL OF AGENDA

May 7, 2013

5. PUBLIC STATEMENTS

There will be a three (3) minute limitation per each member of the audience who wishes 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.

6. CONSENT CALENDAR

Items on the consent calendar are considered routine and may be acted on by a single motion to adopt the staff recommendation or report. If the Commission wishes to discuss any item, it should first be removed from the consent calendar.

- Approval of the Planning and Preservation Commission Minutes of the March 5, 2013 meeting.
- Approval of the Planning and Preservation Commission Minutes of the April 9, 2013, meeting.

7. NEW BUSINESS

A: Subject: Conditional Use Permit 2013-01 (CUP 2013-01)

Location: 227 N. Maclay Avenue, San Fernando, CA 91340

Applicant: Dora Alicia Ceballos, Library Bistro, San Fernando, CA

Proposal: The proposed project is a request for approval of a conditional use permit to allow for the ancillary sale and on-site consumption of alcoholic beverages ("on-sale alcohol permit") in conjunction with the operation of "Library Bistro," a bona fide eating establishment. The existing restaurant occupies an approximate 1,007 square foot unit within "Library Plaza", a multi-tenant commercial center located on the northerly portion of the 200 block of North Maclay Avenue, between Second Street and Third Street, within the Downtown District (City Center Sub-District) of the SP-4 (Corridor Specific Plan) zone.

Recommendation: Staff recommends that the Planning and Preservation Commission approve Conditional Use Permit 2013-01, to allow for the ancillary sale and on-site consumption of alcoholic beverages in conjunction with the operation of “Library Bistro,” a bona-fide eating establishment located at 227 N. Maclay Avenue, pursuant to Planning and Preservation Commission Resolution 2013-02 and the conditions of approval attached as Exhibit “A” to the resolution (Attachment 1).

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 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.

8. **STAFF COMMUNICATIONS**

9. **COMMISSION COMMENTS**

10. **ADJOURNMENT**

June 4, 2013

Any public writings distributed to the Planning and Preservation Commission regarding any item on this regular meeting agenda will also be made available at the Community Development Department public counter at City Hall 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 or accommodation to attend or participate in this meeting, including auxiliary aids or services please call the Community Development Department office at (818) 898-1227 at least 48 hours prior to the meeting.



**CITY OF SAN FERNANDO
PLANNING COMMISSION**

**DRAFT MINUTES OF APRIL 9, 2013 MEETING
CITY HALL COMMUNITY ROOM**

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 Chairperson Theale Haupt at 7:04 P.M.

PLEDGE OF ALLEGIANCE

Led by Chairperson T. Haupt

ROLL CALL

The following persons were recorded as present:

PRESENT:

Chairperson Theale Haupt, Vice-Chair Alvin Durham, Commissioners Kevin Beaulieu, Yvonne G. Mejia, and Rudy Salinas

ABSENT:

None

ALSO PRESENT:

City Planner Fred Ramirez, Assistant Planner Edgar Arroyo, City Attorney Isabel Birrueta, and Community Development Secretary Michelle De Santiago

APPROVAL OF AGENDA

Vice-chair A. Durham moved to approve the agenda of April 9, 2013. Seconded by Commissioner R. Salinas, the motion carried with the following vote:

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

PUBLIC STATEMENTS:

Esther Schiller from Smokefree Air For Everyone (S.A.F.E.) read a press release from November 2011 and provided the members in attendance with results from a survey conducted in the City of San Fernando. She stated that she would like the Planning and Preservation Commission to place the smoking ordinance on the agenda to allow for discussion and questions.

Luz Chavez – Ms. Chavez stated that her sister-in-law died of a smoking related illness and she too would like the commission to agendize the smoking ordinance to educate the smokers and non-smokers of the dangers.

Julie Cuellar – Ms. Cuellar indicated that she has three sons who suffer from asthma and she informed the commission of the billion of dollars spent of health care cost associated with smoking illnesses or second-hand smoke illnesses. She expressed how serious the issue is and asked the commission to agendize the item. Additionally she informed staff that the construction crew continues to work on Sundays on the Park Avenue project.

Helen Arriola – Ms. Arriola work at North East Valley Health Corporation and stated that they have a smoking cessation program and she was present at tonight’s meeting to lend her support to Ms. Schiller and she asked the commission to consider the placing the smoking ordinance on the agenda to allow for open discussion.

Genoveva Rodriguez – 916 Seventh Street, San Fernando, CA 91340 – Ms. Rodriguez came to voice her concern against the approval of the development of an apartment building on Seventh Street near Maclay.

Rodolfo Salinas – 1035 N. Macneil Street, San Fernando, CA 91340 – Mr. Salinas expressed his objection to the development at 1101 Seventh Street. His concern was that there is limited parking in the area and that an apartment building would just make matters worse. He asked staff to look into the reason why he cannot park on his own street with it being too narrow and no parking is allowed.

Chairperson Haupt asked staff to work with the audience members and address their concerns regarding the development on Seventh Street.

CONSENT CALENDAR

Vice-chair A. Durham moved to approve the Consent Calendar with the amendment that the minutes from the March 5, 2013 meeting to be considered at the May 7, 2013 Planning and Preservation Commission meeting. Seconded by Commissioner R. Salinas, the motion carried with the following vote:

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

UNFINISHED BUSINESS

None

City Attorney Isabel Birrueta provided handout and gave a power point presentation on the Role and Responsibility of a Planning Commissioner. City Attorney Birrueta and city staff responded to questions from the Commission.

STAFF COMMUNICATIONS

None

COMMISSION COMMENTS

None

PUBLIC STATEMENTS

None

ADJOURNMENT: Vice-chair A. Durham moved to adjourn to May 7, 2013. Second by Commissioner K. Beaulieu, the motion carried with the following vote:

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

9:48 P.M.
Fred Ramirez
Planning Commission Secretary

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MEETING DATE: May 7, 2013

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 Approve:**

“I move to approve Conditional Use Permit 2013-01, to allow for the ancillary sale and on-site consumption of alcoholic beverages (“on-sale alcohol permit”) in conjunction with the operation of “Library Bistro,” a bona fide eating establishment, pursuant to Planning and Preservation Commission Resolution 2013-02 and the conditions of approval attached as Exhibit “A”

(b) **To Deny:**

“I move to deny Conditional Use Permits 2013-01, based on the following findings of fact...”
(Roll Call Vote)

(c) **To Continue:**

“I move to continue consideration of Conditional Use Permit 2013-01 to a specific date...” (Roll Call Vote)

PUBLIC HEARING:

To Approve ()

To Deny ()

To Continue ()

Moved by: _____

Seconded by: _____

Roll Call: _____

**Item 7A:
CUP 2013-01**

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PLANNING AND PRESERVATION COMMISSION STAFF REPORT

DATE: May 7, 2013

TO: SAN FERNANDO PLANNING AND PRESERVATION COMMISSION

FROM: Fred Ramirez, City Planner
Prepared by: Edgar Arroyo, Assistant Planner

SUBJECT: **Conditional Use Permit 2013-01**
227 North Maclay Avenue, San Fernando, CA 91340
(Los Angeles County Assessor's Parcel No's.: 2520-026-007, 012, 013, 014, 015 and 019)

PROPOSAL: The proposed project is a request for review and approval of a Conditional Use Permit, to allow for the ancillary sale and on-site consumption of alcoholic beverages ("on-sale alcohol permit") in conjunction with the operation of "Library Bistro," a bona fide public eating place located at 227 North Maclay Avenue. The existing restaurant occupies an approximate 1,007-square-foot unit within "Library Plaza," a multi-tenant commercial center located at 217 North Maclay Avenue. The Library Plaza property is an approximate 29,812-square-foot commercial center located on the northerly portion of the 200 block of North Maclay Avenue, between Second Street and Third Street, within the Downtown District (City Center Sub-District) of the SP-4 (Corridors Specific Plan) zone.

APPLICANT: Dora Alicia Ceballos, Library Bistro, San Fernando, CA 91340

RECOMMENDATION:

Staff recommends that the Planning and Preservation Commission approve Conditional Use Permit 2013-01, to allow for the ancillary sale and on-site consumption of alcoholic beverages in conjunction with the operation of "Library Bistro," a bona fide public eating place located at 227 North Maclay Avenue, pursuant to Planning and Preservation Commission Resolution 2013-02 and the conditions of approval attached as Exhibit "A" to the resolution (Attachment 1).

PROJECT OVERVIEW:

On March 11, 2013, the City received an application (Attachment 2) for a Conditional Use Permit (CUP) that seeks City approval to allow for the ancillary sale and on-site consumption of alcoholic beverages ("on-sale alcohol permit") in conjunction with the operation of "Library Bistro," a bona fide public eating place located at 227 North Maclay Avenue. Library Bistro is an

existing approximate 1,007-square-foot restaurant located within “Library Plaza,” a multi-tenant commercial center located at 217 North Maclay Avenue (Los Angeles County Assessor’s Parcel No’s.: 2520-026-012, 013, 014, and 015). The Library Plaza property is an approximate 29,812-square-foot commercial center located on the northerly portion of the 200 block of North Maclay Avenue, between Second Street and Third Street, within the Downtown District (City Center Sub-District) of the SP-4 (Corridors Specific Plan) zone.

Parking for the restaurant and the commercial center is provided at the rear of the property abutting the public alley and within an approximate 14,250-square-foot off-site parking lot directly across the alley (Los Angeles County Assessor’s Parcel No’s.: 2520-026-007 and 019). In total, 64 parking spaces are available for the commercial center, with 18 parking stalls available on-site and 46 stalls available off-site. As site plan of the project site is provided as “Attachment 8” to this staff report.

The requested ancillary sale and on-site consumption of alcohol in conjunction with the operation of a bona fide public eating place would be allowed with the City’s Planning and Preservation Commission’s approval of the requested CUP pursuant to Section 2.4(A) of the development standards for the Downtown District and City Code Sections 106-145 and 106-176, et al. Pursuant to Section 2.4(A) of the development standards for the district, alcoholic beverages may be serviced though the review and approval of a conditional use permit for on-site consumption ancillary to the operation of a sit-down restaurant with table service that is a “bona fide public eating place.” A bona fide public eating place is defined as “a place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for ordinary meals, the kitchen of which must be kept in a sanitary condition with the proper amount of refrigeration for keeping of food on the premises and must comply with all the regulations of the local department of health.” (City Code Section 106-177.)

Based on the review of the requested CUP, it is staff’s assessment that the existing restaurant would qualify for the Commission’s consideration of a CUP to allow for the ancillary sale and on-site consumption of alcoholic beverages. The Downtown District development standards (Section 2.4(A)), requires that the existing restaurant is a sit-down type eating establishment, with direct table service to patrons. Per City Code Section 106-179(c)(1), bona fide public eating places like the subject restaurant are exempted from distance separation requirements from any other on-sale or off-sale outlets. Additional discussion regarding the proposed CUP and the required finding for approval of the project is provided in the analysis section of this report.

BACKGROUND:

1. **General Plan Land Use and Zoning Designation:** The project site at 227 North Maclay Avenue is located within the Downtown District (City Center Sub-District) of the SP-4 (Corridors Specific Plan) general plan land use area and zone.
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2. **Site Location and Description:** Library Bistro is an existing 1,007-square-foot restaurant located at 227 North Maclay Avenue, within Library Plaza a multi-tenant commercial center located at 217 North Maclay Avenue. The Library Plaza property is an approximate 29,812-square-foot commercial center located on the northerly portion of the 200 block of North Maclay Avenue, between Second Street and Third Street (Los Angeles County Assessor's Parcel No's.: 2520-026-012, 013, 014, and 015). Parking for the restaurant and the commercial center is provided at the rear of the property abutting the public alley and within an approximate 14,250-square-foot off-site parking lot directly across the alley (Los Angeles County Assessor's Parcel No's.: 2520-026-007 and 019).
3. **Environmental Review:** This project has been reviewed for compliance with the California Environmental Quality Act (CEQA). It is staff's assessment that this project proposal qualifies for a Categorical Exemption under Class 1 (Existing Facilities) of San Fernando's CEQA Guidelines. If the Planning and Preservation Commission concurs with staff's determination, no further environmental assessment is necessary.
4. **Legal Notification:** On April 24, 2013, the public hearing notice was posted at two City Hall bulletins, at the County Public Library bulletin, and at the project site. A notice was also published in the April 27, 2013, print and online legal advertisement section of the *Los Angeles Daily News* (Attachment 3). In addition, notices of this hearing were mailed to all property owners of record within 500 feet of the subject site (Attachment 4).
5. **Public Comments:** As of the date of preparation of this staff report, no comments were received from the public regarding this conditional use permit request. Any comments received after the distribution of this report shall be read into the record at the public hearing.

ANALYSIS:

1. **General Plan Consistency.** The requested CUP to allow for the ancillary sale and on-site consumption of alcohol in conjunction with the operation of a bona fide public eating place is consistent with the following goals and objectives of the San Fernando General Plan Land Use Element by:

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

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

The requested CUP to allow for the sale and on-site consumption of alcohol in conjunction with the operation of Library Bistro, a bona fide public eating place, would allow for a customary service to be provided to patrons with meals, promoting the economic viability of the downtown commercial district and enhancing the dining experience. Permitting the ability for a restaurant in the city's downtown and civic center areas to expand its business

through the sale and on-site consumption of alcoholic beverages served alongside meals helps foster growth and goes toward creating a lively environment for within the city's center, helping to create and maintain identity within the downtown that is distinct from surrounding communities.

2. **Zoning Consistency.** Pursuant to Section 2.4(A) of the development standards for the Downtown District, the requested CUP for the ancillary sale and on-site consumption of alcohol in conjunction with the operation of a bona fide eating establishment is a conditionally permitted use. The provisions in the district note that alcoholic beverages may be serviced though the review and approval of a CUP for on-site consumption ancillary to the operation of a sit-down restaurant with table service that is a "bona fide public eating place."

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

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

3. **Distance Separation Requirements.** As previously noted City Code Section 106-179(c)(1) grants bona fide public eating places like the subject restaurant an exemption from distance separation requirements that would otherwise apply to businesses seeking a CUP for either the on-site sale or off-sale of alcoholic beverages.
 4. **State Provisions for Issuance of Alcohol Licenses.** Pursuant to Business and Professions Code Section 23958, state law requires the California Department of Alcohol Beverage Control (ABC) to deny an alcohol license application if the proposed site is located within a census tract that has an "undue concentration" of licenses, unless certain exceptions apply. Undue concentration exists when:
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- 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. 3202.01 and has a published total population of 3,753 residents as of the 2010 United States Census. There are a total of five (5) on-sale and off-sale 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 1,876 residents) within Census Tract No. 3202.01. The population in Los Angeles County is 9,818,605, with ABC records showing that a total of 9,497 on-sale alcohol licenses are active countywide. The ratio of on-sale licenses to population in Los Angeles County is one license for every 1,033 residents. Since the ratio of on-sale licenses within Census Tract No. 3202.01 is less than the ratio for Los Angeles County, Census Tract No. 3202.01 does not have an undue concentration of on-sale licenses and would therefore qualify for the issuance of an alcohol permit with ABC.

For retail on-sale bona fide eating place licenses, the ABC may grant the license so long as the applicant can show to ABC that public convenience or necessity would be served by issuance of the license. To assist the applicant and foster additional investment and revitalization of the city’s downtown, the city has made proposed findings of “public convenience or necessity.” The city’s findings with respect to this requested CUP for on-sale alcohol for Library Bistro are also intended to reinforce that merits of this bona fide

public eating place to assist ABC in their review of the on-sale alcohol license. The city's findings are provided in Section 7 of this report.

5. **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 can be made in this instance based on the aforementioned discussion, and as explained below for each of the required findings of fact.

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

The requested conditional use permit to allow the ancillary sale and on-site consumption of alcoholic beverages in conjunction with the operation of a bona fide public eating place is a use that is conditionally permitted within the Downtown District (City Center Sub-District) of the SP-4 (Corridors Specific Plan) zone. Pursuant to Section 2.4(A) of the development standards for the district, alcoholic beverages may be served through the review and approval of a conditional use permit for on-site consumption ancillary to the operation of a sit-down restaurant with table service that is a bona fide public eating place.

Library Bistro, the existing restaurant, is a bona fide public eating place that provides direct table service to patrons of establishment. The approval of the requested CUP would allow for the restaurant to offer alcoholic beverages with meals, as is customary with other similar types of bona fide public eating place. Additionally, the site would

not trigger any specific distance separation requirements from any other on-sale or off-sale alcohol outlets, as exempted for bona fide eating places pursuant to City Code 106-179(c)(1). Therefore, it is staff's assessment that the proposed CUP for the ancillary sale and consumption of alcoholic beverages use is conditionally permitted within the subject zone and complies with all applicable sections of the 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.

Library Bistro is an existing approximate 1,007-square-foot restaurant located 227 North Maclay Avenue, within Library Plaza, a mixed-use multi-tenant commercial center within the city's downtown district. As provided for in Section 1 of the development standards for the Downtown District of the SP-4 (Corridors Specific Plan) zone, the purpose of the city's downtown is to "create a lively center of the city where the community of San Fernando comes together. Downtown will provide a central shopping and entertainment district for the city, and will include retail shops and services, restaurants, civic and community meeting places and entertainment venues."

The requested CUP to allow the ancillary sale and on-site consumption of alcoholic beverages in conjunction with the operation of an existing bona fide public eating place would allow for Library Bistro to provide services customary of other similar eating establishments. Permitting the ability for a restaurant in the city's downtown and civic center areas to expand its business through the sale and on-site consumption of alcoholic beverages served alongside meals helps foster growth and goes toward creating a lively environment for within the city's center. Furthermore, to ensure the protection and preservation of surrounding neighborhoods, while fostering and promoting growth in the city's downtown, the city's standard conditions for establishments requesting alcohol permits would be adopted to prevent issues associated with loitering, noise, off-site consumption of alcohol, trash and debris, and other public nuisance conditions, pursuant to City Code Section 106-182 (b) and (c). Noncompliance with the adopted conditions of approval would require to city to seek corrective action from the business owner and may lead to revocation of the required CUP. Therefore, the proposed sale and on-site consumption of alcohol to compliment the existing restaurant would not impair the integrity and character of the city's downtown or the intent and purpose of the SP-4 zone for this district. Thus, it is staff's assessment that this finding can be made.

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

Library Plaza, the multi-tenant commercial center where Library Bistro is located, is an approximate 29,812-square-foot commercial center located within the Downtown District (City Center Sub-District) of the SP-4 (Corridors Specific Plan) zone. The project site is currently developed with similar commercial uses, including two

additional smaller eating establishments, a coffee shop, professional offices and service uses, and the Los Angeles County Public Library. The range of uses established at the project site and permitted by the development standards of the downtown district encourages the establishment of uses that promote an environment for entertainment and a “lively center of the city.”

The project site and the existing 1,007-square-foot restaurant are physically suitable for the requested CUP for sale and on-site consumption of alcoholic beverage that would be served along with meals to patrons. The sale and consumption of alcoholic beverages would be completely self-contained within the restaurant to prevent persons from consuming alcohol in the commercial center’s courtyard or outside of the premises. Thus, it is staff’s assessment that this finding can be made.

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

Library Plaza is an existing approximate 29,812-square-foot multi-tenant commercial center with established uses consisting of small eating establishments, a coffee shop, professional offices and service commercial uses, retail stores, and the Los Angeles County Public Library. The proposed CUP to allow for the ancillary sale and on-site consumption of alcohol with the operation of a bona fide public eating place would be compatible with those services offered to patron of similar restaurants within the city. Additionally, the mixes of public and civic facilities that are within the commercial center create an inviting environment for patrons that promote entertainment a lively center of the city, as is sought for all properties within the city’s downtown and civic center areas. Thus, it is staff’s assessment that this finding can be made.

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

With the adoption of the *San Fernando Corridors Specific Plan* and SP-4 zone in 2005, the city adopted policies and strategies to help transform the city’s main corridors (San Fernando Road, Truman Street, and Maclay Avenue) into attractive, livable, and economically vital districts. Within the Downtown District of the specific plan, the establishment of retail stores, business and personal service shops, restaurants and other similar eating establishments, and civic and cultural facilities, including libraries, museums, and art galleries is principally permitted and envisioned as the types of uses to be established in the future for all applicable properties. As provided above, these uses are permitted pursuant to Sections 2.1 and 2.2 of the development standards for the Downtown District (City Center Sub-District) of the SP-4 (Corridors Specific Plan) zone.

The request to allow the sale and on-site consumption of alcoholic beverages would further augment the services the existing restaurant offers while providing the opportunity to remain competitive with other similar dining establishments that offer alcoholic beverages along with meals. Within the district, the types of permitted uses

are those that typically generate a significant amount of foot traffic. Library Plaza, the commercial center where the existing restaurant is located, has established retail, personal service, restaurant and similar eating establishment uses, augmented by the foot traffic of the county library that meets the purpose of the district by helping to creating “a lively center of the city where the community of San Fernando comes together.” (Section 1 of the development standards for the Downtown District, Page 70). Therefore, the requested CUP to allow for the ancillary sale and on-site consumption of alcoholic beverages in conjunction with the operation of a bona fide public eating place would be compatible with the existing and future land uses within the Downtown District (City Center Sub-District) of the SP-4 (Corridors Specific Plan) zone and the general area in which the proposed use is to be located. Thus, it is staff’s assessment that this finding can be made in this case.

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

The existing restaurant is adequately served by existing water, sanitation and public utilities that were previously developed through the construction of Library Plaza in 1998. While no infrastructure and utility upgrades are necessary at this time to establish the sale and on-site consumption of alcoholic beverages as part of the restaurant, any future improvements would be required to be developed in compliance with the requirements of the city’s building codes, any additional requirements from the Public Works Department and any state requirements applicable to the on-site sale and consumption of alcoholic beverages. 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.**

Library Bistro, the existing sit-down restaurant, has adequate provisions for public access through the courtyard within Library Plaza that serves all tenants of the commercial center. Patrons seeking to dine at the restaurant and compliment their meals with an alcoholic beverage have the ability to enter the commercial center from the primary entrance along North Maclay Avenue or the secondary entrance along the rear of the property facing the public alley and parking facilities. Diagonal parking is located along the North Maclay Avenue street frontage of Library Plaza. Additionally, vehicular parking for the commercial center is provided at the rear of the project site, abutting the public alley and across the alley within an off-site parking lot. Adequate vehicular access to the parking facilities is provided along driveways located along Third Street and along the alley. Thus, it is staff’s assessment that this finding can be made in this case.

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

Within the Downtown District (City Center Sub-District) of the SP-4 zone, restaurants and similar eating establishments are permitted, with the ancillary sale and on-site consumption of alcohol beverages permitted through the review and consideration of a conditional use permit. The requested CUP for the sale and on-site consumption of alcoholic beverages in conjunction with the operation of a bona fide public eating place is an appropriate and compatible use for the types of currently established and potentially permitted uses the districts allows. Approval of the CUP for on-site sale and consumption of alcoholic beverages as an ancillary use to a bona fide public establishment helps to encourage future development of the city's downtown. CUP approval at the subject site facilitates the expansion of services provided by restaurants in the downtown and civic center areas helps to draw new visitors to the area, create a lively commercial district of the city and further revitalize the city's core.

The requested CUP for alcoholic beverages would allow for Library Bistro to augment its offerings by providing interested patrons the ability to order alcoholic beverages with their meal. The sale and on-site consumption of alcoholic beverages is a customary service offered by similar bona fide public eating places both within and outside the city. Fostering the growth of these types of establishment through the approval of a CUP for the additional service promotes investment in the city's downtown and has the potential to encourage future redevelopment of other properties with uses that meet the purpose and intent of the San Fernando Corridors Specific Plan and the Downtown District. Therefore, the proposed CUP for the sale and on-site consumption of alcoholic beverages for a bona fide public eating place would be appropriate in light of an established need for the use at the proposed location. 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 requested permit to allow for the sale and on-site consumption of alcohol in conjunction with the operation of Library Bistro, a bona fide public eating place, would allow for a customary service to be provided to patrons with meals that enhances their dining experience while promoting the economic viability of the downtown commercial district. Permitting the ability for a restaurant in the city's downtown to expand its business through the sale and on-site consumption of alcoholic beverages served alongside meals helps foster growth and goes toward creating a lively environment within the city's downtown and civic center areas while helping to maintain an identity within the area that is distinct from surrounding communities.

Furthermore, approval of the requested CUP would help support existing dining and entertainment uses that reduce potential commercial vacancies and "attract new

commercial activities, particularly within the downtown area.” (San Fernando General Plan Land Use Element Goals and Objectives, Pg. IV-6.) Thus, it is staff’s assessment that this finding can be made in this case.

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

The requested CUP to allow for the sale and on-site consumption of alcoholic beverages in conjunction with the operation of the existing bona fide public eating place would allow for the ongoing viability of a restaurant within the city’s downtown and civic center area. With the adoption of the recommended conditions of approval for the requested alcohol CUP, the Library Bistro Restaurant would be required to provide sufficient safeguards deter public nuisance issues and protect public interest, health, safety, convenience or welfare. Noncompliance with the conditions of the conditions of approval for an approved CUP for alcohol would require corrective action on behalf of the business owner and may result in revocation of the CUP. Thus, it is staff’s assessment that this finding can be made in this case.

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

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

In review of reporting data from the San Fernando Police Department for the subject property, there were a total of 12 calls for service to Library Plaza between January 1, 2010 and April 30, 2013. Of the 12 calls for service, 11 calls were unfounded or accidental alarms with no reportable incident, and 1 call was for a missing juvenile who was later found. No calls for service from the subject property were alcohol related.

The requested conditional use permit to allow for the sale and on-site consumption of alcoholic beverages as an ancillary use to the existing bona fide public eating place, with the adoption of the recommended conditions of approval, would not encourage or intensity crime within the reporting district that it is located in. The recommended conditions approval would address potential public nuisance issues attributed to crime, noise, loitering and other disturbances that may be associated with the sale of alcohol at the subject property located at 227 North Maclay Avenue. Furthermore, noncompliance with the conditions of approval for the requested CUP would require enforcement action from the city to abate any public nuisance, with repeated noncompliance leading to potential revocation of the CUP. Thus, it is staff’s assessment that this finding can be made.

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

As proposed, Library Bistro, a bona fide public eating place, would augment the services they provide by offering the sale and on-site consumption of alcoholic beverages as an ancillary use to the restaurant. Alcoholic beverages would be offered for sale to patrons of the establishment to accompany the purchase of a meal. All business activity would be limited to the confines of the existing 1,007-square-foot tenant space within Library Plaza. Failure to address public nuisances issues associated with sale, purchase, and/or consumption of alcoholic beverages would result in city abatement action, including possible revocation of the CUP for repeated noncompliance. While the restaurant is located within a mixed-use commercial center that also houses the Los Angeles County Public Library, the existing restaurant or the sale and on-site consumption of alcoholic beverages is not expected to have an impact on the existing library use because it would be fully contained within the tenant space. As part of the project, no outdoor dining area would be established or is being proposed.

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

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

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

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

Library Bistro Restaurant is located within Census Tract No. 3202.01 and has a published total population of 3,753 residents as of the 2010 United States Census. There are a total of five (5) on-sale and off-sale alcohol licenses within the census tract. A review of city and California Department of Alcoholic Beverage Control records indicates that there are two (2) on-sale alcohol outlets (one (1) on-sale alcohol outlet for every 1,876 residents) within Census Tract No. 3202.01.

The population in Los Angeles County is 9,818,605, with ABC records showing that a total of 9,497 on-sale alcohol licenses are active countywide. The ratio of on-sale licenses to population in Los Angeles County is one license for every 1,033 residents. Since the ratio of on-sale licenses within Census Tract No. 3202.01 is less than the ratio for Los Angeles County, Census Tract No. 3202.01 does not have an undue concentration of on-sale licenses.

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 existing restaurant will serve a public convenience and necessity by providing for expanded restaurant services that maintain the downtown and civic center areas, and in particular the City Center Sub-District, as an economically viable destination for dining, shopping and entertainment. Approval of the conditional use permit will also reduce the potential for blight impacts associated with restaurant failures and subsequent vacancies and related public nuisances. Thus, it is staff's assessment that this finding can be made in this case.

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

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

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

In reviewing permit data from the California Department of Alcoholic Beverage Control for Census Tract 3202.01, the tract Library Bistro is located in, a total of five active alcohol licenses exist. Of the five permits that are currently active, only two of these permits are for on-sale alcohol sales associated with the operation of bona fide public eating places. Based on these findings, it is staff's assessment that sale of alcoholic beverages as part of the existing restaurant would serve a niche market in the city, and the City Center Sub-District in particular, that is not currently filled by other

existing businesses with similar alcoholic beverage licenses in the surrounding area and corresponding census tract. Thus, it is staff's assessment that this finding can be made in this case.

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

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

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

Library Bistro, the existing restaurant business at the subject site would allow for the continued economic viability of the commercial center, consistent with similar commercial uses within the city's downtown and civic center areas. While no specific modification to the existing building or tenant space are proposed, the site, as developed in 1998, continues to retain its high quality appearance and retains a prime example of they type of development sought within the city's downtown and civic center areas. The issuance of the requested permit to allow for the sale and on-site consumption of alcoholic beverages associated with the existing bona fide public eating place would promote the continued success of an important business type that is critical in helping redefine the city's downtown and civic center area into a more livable, walkable, and entertaining place for visitors and residents of the city. Thus, it is staff's assessment that this finding can be made in this case.

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

Pursuant to City Code Section 106-182(b)(4), "all employees who serve or sell alcoholic beverages shall successfully complete a responsible beverage service

training program that meets the requirements of ABC. Records of such training shall be maintained on the premises and made available to the police department personnel upon request.” As a condition of approval for all new bona fide public eating places seeking a permit to allow for the sale and on-site consumption of alcoholic beverages, this language is incorporated into the conditions of approval for an approved conditional use permit. The owners and employees of Library Bistro shall be responsible for complying with these conditions of approval and all required conditions from ABC. Thus, it is staff’s assessment that this finding can be made in this case.

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

Library Bistro, the existing restaurant, has been in operation since the beginning of 2013. Prior to this restaurant, “La Casita Restaurant,” a similar bona fide public eating place operated at the project site at 227 North Maclay Avenue. Library Bistro complements other existing eating establishment within the commercial center it is located in, along with retail and professional office and governmental uses. In addition, the development standards of Downtown District allow for the operation of bona fide public eating places and the consideration for sales and on-site consumption of alcoholic beverages for said eating establishments through a conditional use permit. The requested conditional use permit for the on-site sale and consumption of alcohol in combination with the operation of a bona fide eating place, will compliment existing uses in the district and promote the economic viability of the downtown and civic center areas as an eating and entertainment destination center for residents and visitors to the community. Thus, it is staff’s assessment that this finding can be made in this case.

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

To evaluate and substantiate this finding, data from the San Fernando Police Department was requested for the reporting track that the project site is located in. Library Bistro and Library Plaza, the commercial center the restaurant is located in, are located within the reporting area of Police Department “Track 2.” Track 2 encompasses an area bounded by Hubbard Avenue to the northwest, Glenoaks Boulevard to the northeast, Arroyo Avenue to the southeast, and First Street to the southwest.

In review of police department data from January 1, 2010 to April 30, 2013, the existing restaurant or the current operator was not reported to have any history of law enforcement problems. A total of 12 service calls were reported to have occurred for Library Plaza, with 11 calls being unfounded or accidental alarms with no reportable incident. One (1) call was for a missing juvenile who was later found. No calls for service from the subject property were alcohol related. Therefore, the requested CUP to allow for the sale and on-site consumption of alcoholic beverages as an ancillary

use to the existing bona fide public eating place is not expected to increase the demand for law enforcement calls for service to the subject site. Furthermore, noncompliance with the conditions of approval for the requested CUP would require enforcement action from the city to abate any public nuisance, with repeated noncompliance leading to potential revocation of the CUP. It is staff's assessment that no significant criminal activity has occurred at the subject site and sufficient safeguards would be in place as part of the requested CUP to abate any potential public nuisance issues. Thus, it is staff's assessment that this finding can be made.

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

The data from the police department groups the information available for United States Census Tracts 3202.01 and 3202.02 as one complete reporting area, referred to as Police Department Track 2. Track 2 encompasses an area bounded by Hubbard Avenue to the northwest, Glenoaks Boulevard to the northeast, Arroyo Avenue to the southeast, and First Street to the southwest. Based on the reporting data available from the San Fernando Police Department, since January 1, 2010 to April 30, 2013, 39 percent of all incidents reported were generated from Track 2.

This rate is proportional with the rest of the city, as this reporting track covers the largest area of land, approximately 0.96 square miles. In comparison, Tracks 1 and 2 are comprised of an area of approximately 0.73 square miles and 0.65 square miles, respectively. It is anticipated that approval of the requested CUP to allow for the sale and on-site consumption of alcoholic beverages as an ancillary use to the existing bona fide public eating place, would not have the effect of increasing incident reporting percentages for this reporting track. Furthermore, approval of the CUP with the recommended conditions of approval, would allow for the abatement of public nuisances associated with alcohol sale, purchase and/or consumption. Thus, it is staff's assessment that this finding can be made.

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

Based on reporting data provided by the San Fernando Police Department regarding alcoholic related service calls, none of the 12 calls for service to the subject property were for alcohol related incidents. Additionally, the police department notes that no arrests have been made from the requested period of review from January 1, 2010 to April 30, 2013. It is not anticipated that the requested CUP to allow for the sale and on-site consumption of alcoholic beverages as an ancillary use to the existing bona fide public eating place would increase the number alcohol-related service calls, with the recommended conditions of approval for the project.

The primary use of the tenant space as a bona fide public eating place would with the addition of the ancillary alcoholic beverage sales. Alcoholic beverages would be

offered to patrons of the sit-down restaurant with the order of a meal. Furthermore, approval of the CUP with the recommended conditions of approval, would allow for the abatement of public nuisances associated with alcohol sale, purchase and/or consumption. Thus, it is staff's assessment that this finding can be made.

CONCLUSION:

In light of the forgoing analysis, it is staff's assessment that Commission approval of the CUP for on-site sale and consumption of alcoholic beverage in conjunction with the continued operation of a bona fide public eating establishment would facilitate the long time viability of the restaurant while enhancing the dining experience of customers while creating new services that seek to draw visitors and residents to the downtown and civic center areas in a manner consistent with the General Plan's goals and objectives and the development standards and design guidelines for the Downtown District (City Center Sub-District) of the SP-4 (Corridors Specific Plan) zone.

Based on the above findings, staff recommends that the Planning and Preservation Commission approve Conditional Use Permit 2013-01, to allow for the ancillary sale and on-site consumption of alcoholic beverages in conjunction with the operation of "Library Bistro," a bona fide public eating place, pursuant to Planning and Preservation Commission Resolution 2013-02 and the conditions of approval attached as Exhibit "A" to the resolution (Attachment 1)

Attachments (8):

1. Planning and Preservation Commission Resolution 2013-02 and Exhibit "A": Conditions of Approval
 2. Conditional Use Permit Application – CUP 2013-01
 3. Notice of Public Hearing Published in the Los Angeles Daily News
 4. Mailed Notice of Public Hearing
 5. Vicinity Map
 6. Zoning Map
 7. Project Site Photos
 8. Site Plan and Floor Plans
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ATTACHMENT 1:

**Planning and Preservation Commission
Resolution 2013-02 and
Exhibit “A”: Conditions of Approval**

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RESOLUTION NO. 2013-02

A RESOLUTION OF THE PLANNING AND PRESERVATION COMMISSION OF THE CITY OF SAN FERNANDO APPROVING CONDITIONAL USE PERMIT 2013-01 TO ALLOW FOR THE SALE AND ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES IN CONJUNCTION WITH THE OPERATION OF THE LIBRARY BISTRO, A BONA FIDE PUBLIC EATING PLACE LOCATED AT 227 NORTH MACLAY AVENUE.

WHEREAS, an application has been filed by Dora Alicia Ceballos to request review and approval of a conditional use permit to allow for the sale and on-site consumption of alcoholic beverages in conjunction with the operation of Library Bistro, a bona fide public eating place at 227 North Maclay Avenue. The restaurant occupies an approximate 1,007-square-foot tenant space, within Library Plaza, a multi-tenant commercial center located at 217 North Maclay Avenue, within the Downtown District (City Center Sub-District) of the SP-4 (Corridor Specific Plan) zone;

WHEREAS, the applicant has requested approval of the requested a conditional use permit pursuant to Section 2.4(A) of the development standards for the Downtown District as an ancillary use to the existing bona fide public eating place;

WHEREAS, the Planning and Preservation Commission has considered all of the evidence presented in connection with the project, written and oral at the public hearing held on the 7th day of May 2013.

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

SECTION 1: This project has been reviewed by the City for compliance with the California Environmental Quality Act (CEQA). Based on the City's environmental assessment, it is the Planning and Preservation Commission's assessment that this project proposal qualifies for a Categorical Exemption under Class 1 (Existing Facilities) of San Fernando's CEQA Guidelines;

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

SECTION 3: Pursuant to City Code Section 106-145, the Planning and Preservation Commission finds that the following findings for Conditional Use Permit 2013-01 have been justified and upheld in the affirmative because of the recommended conditions of approval regarding operating procedures governing the sale and on-site consumption of alcoholic beverages. The Planning and Preservation Commission findings are as followed:

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

The requested conditional use permit to allow the ancillary sale and on-site consumption of alcoholic beverages in conjunction with the operation of a bona fide public eating place is a use that is conditionally permitted within the Downtown District (City Center Sub-District) of the SP-4 (Corridors Specific Plan) zone. Pursuant to Section 2.4(A) of the development standards for the district, alcoholic beverages may be served through the review and approval of a conditional use permit for on-site consumption ancillary to the operation of a sit-down restaurant with table service that is a bona fide public eating place.

Library Bistro, the existing restaurant, is a bona fide public eating place that provides direct table service to patrons of establishment. The approval of the requested CUP would allow for the restaurant to offer alcoholic beverages with meals, as is customary with other similar types of bona fide public eating place. Additionally, the site would not trigger any specific distance separation requirements from any other on-sale or off-sale alcohol outlets, as exempted for bona fide eating places pursuant to City Code 106-179(c)(1). Therefore, it is staff's assessment that the proposed CUP for the ancillary sale and consumption of alcoholic beverages use is conditionally permitted within the subject zone and complies with all applicable sections of the 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.

Library Bistro is an existing approximate 1,007-square-foot restaurant located 227 North Maclay Avenue, within Library Plaza, a mixed-use multi-tenant commercial center within the city's downtown district. As provided for in Section 1 of the development standards for the Downtown District of the SP-4 (Corridors Specific Plan) zone, the purpose of the city's downtown is to "create a lively center of the city where the community of San Fernando comes together. Downtown will provide a central shopping and entertainment district for the city, and will include retail shops and services, restaurants, civic and community meeting places and entertainment venues."

The requested CUP to allow the ancillary sale and on-site consumption of alcoholic beverages in conjunction with the operation of an existing bona fide public eating place would allow for Library Bistro to provide services customary of other similar eating establishments. Permitting the ability for a restaurant in the city's downtown and civic center areas to expand its business through the sale and on-site consumption of alcoholic beverages served alongside meals helps foster growth and goes toward creating a lively environment for within the city's center. Furthermore, to ensure the protection and preservation of surrounding neighborhoods, while fostering and promoting growth in the city's downtown, the city's standard conditions for establishments requesting alcohol permits would be adopted to prevent issues associated with loitering, noise, off-site consumption of alcohol, trash and debris, and other public nuisance conditions, pursuant to City Code Section 106-182 (b) and (c). Noncompliance with the adopted conditions of approval would require to city to seek corrective action from the

business owner and may lead to revocation of the required CUP. Therefore, the proposed sale and on-site consumption of alcohol to compliment the existing restaurant would not impair the integrity and character of the city's downtown or the intent and purpose of the SP-4 zone for this district. 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.

Library Plaza, the multi-tenant commercial center where Library Bistro is located, is an approximate 29,812-square-foot commercial center located within the Downtown District (City Center Sub-District) of the SP-4 (Corridors Specific Plan) zone. The project site is currently developed with similar commercial uses, including two additional smaller eating establishments, a coffee shop, professional offices and service uses, and the Los Angeles County Public Library. The range of uses established at the project site and permitted by the development standards of the downtown district encourages the establishment of uses that promote an environment for entertainment and a "lively center of the city."

The project site and the existing 1,007-square-foot restaurant are physically suitable for the requested CUP for sale and on-site consumption of alcoholic beverage that would be served along with meals to patrons. The sale and consumption of alcoholic beverages would be completely self-contained within the restaurant to prevent persons from consuming alcohol in the commercial center's courtyard or outside of the premises. 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.

Library Plaza is an existing approximate 29,812-square-foot multi-tenant commercial center with established uses consisting of small eating establishments, a coffee shop, professional offices and service commercial uses, retail stores, and the Los Angeles County Public Library. The proposed CUP to allow for the ancillary sale and on-site consumption of alcohol with the operation of a bona fide public eating place would be compatible with those services offered to patron of similar restaurants within the city. Additionally, the mixes of public and civic facilities that are within the commercial center create an inviting environment for patrons that promote entertainment a lively center of the city, as is sought for all properties within the city's downtown and civic center areas. Thus, it is the commission's determination that this finding can be made 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.

With the adoption of the San Fernando Corridors Specific Plan and SP-4 zone in 2005, the city adopted policies and strategies to help transform the city's main corridors (San Fernando Road, Truman Street, and Maclay Avenue) into attractive, livable, and economically vital districts. Within the Downtown District of the specific plan, the establishment of retail stores, business and personal service shops, restaurants and other similar eating establishments, and civic and cultural facilities, including libraries, museums, and art galleries is principally

permitted and envisioned as the types of uses to be established in the future for all applicable properties. As provided above, these uses are permitted pursuant to Sections 2.1 and 2.2 of the development standards for the Downtown District (City Center Sub-District) of the SP-4 (Corridors Specific Plan) zone.

The request to allow the sale and on-site consumption of alcoholic beverages would further augment the services the existing restaurant offers while providing the opportunity to remain competitive with other similar dining establishments that offer alcoholic beverages along with meals. Within the district, the types of permitted uses are those that typically generate a significant amount of foot traffic. Library Plaza, the commercial center where the existing restaurant is located, has established retail, personal service, restaurant and similar eating establishment uses, augmented by the foot traffic of the county library that meets the purpose of the district by helping to creating “a lively center of the city where the community of San Fernando comes together.” (Section 1 of the development standards for the Downtown District, Page 70). Therefore, the requested CUP to allow for the ancillary sale and on-site consumption of alcoholic beverages in conjunction with the operation of a bona fide public eating place would be compatible with the existing and future land uses within the Downtown District (City Center Sub-District) of the SP-4 (Corridors Specific Plan) zone and the general area in which the proposed use is to be located. Thus, it is the commission’s determination that this finding can be made in this case.

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

The existing restaurant is adequately served by existing water, sanitation and public utilities that were previously developed through the construction of Library Plaza in 1998. While no infrastructure and utility upgrades are necessary at this time to establish the sale and on-site consumption of alcoholic beverages as part of the restaurant, any future improvements would be required to be developed in compliance with the requirements of the city’s building codes, any additional requirements from the Public Works Department and any state requirements applicable to the on-site sale and consumption of alcoholic beverages. 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.

Library Bistro, the existing sit-down restaurant, has adequate provisions for public access through the courtyard within Library Plaza that serves all tenants of the commercial center. Patrons seeking to dine at the restaurant and compliment their meals with an alcoholic beverage have the ability to enter the commercial center from the primary entrance along North Maclay Avenue or the secondary entrance along the rear of the property facing the public alley and parking facilities. Diagonal parking is located along the North Maclay Avenue street frontage of Library Plaza. Additionally, vehicular parking for the commercial center is provided at the rear of the project site, abutting the public alley and across the alley within an off-site parking lot. Adequate vehicular access to the parking facilities is provided

along driveways located along Third Street and along the alley. 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.

Within the Downtown District (City Center Sub-District) of the SP-4 zone, restaurants and similar eating establishments are permitted, with the ancillary sale and on-site consumption of alcohol beverages permitted through the review and consideration of a conditional use permit. The requested CUP for the sale and on-site consumption of alcoholic beverages in conjunction with the operation of a bona fide public eating place is an appropriate and compatible use for the types of currently established and potentially permitted uses the districts allows. Approval of the CUP for on-site sale and consumption of alcoholic beverages as an ancillary use to a bona fide public establishment helps to encourage future development of the city's downtown. CUP approval at the subject site facilitates the expansion of services provided by restaurants in the downtown and civic center areas helps to draw new visitors to the area, create a lively commercial district of the city and further revitalize the city's core.

The requested CUP for alcoholic beverages would allow for Library Bistro to augment its offerings by providing interested patrons the ability to order alcoholic beverages with their meal. The sale and on-site consumption of alcoholic beverages is a customary service offered by similar bona fide public eating places both within and outside the city. Fostering the growth of these types of establishment through the approval of a CUP for the additional service promotes investment in the city's downtown and has the potential to encourage future redevelopment of other properties with uses that meet the purpose and intent of the San Fernando Corridors Specific Plan and the Downtown District. Therefore, the proposed CUP for the sale and on-site consumption of alcoholic beverages for a bona fide public eating place would be appropriate in light of an established need for the use at the proposed location. 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 requested permit to allow for the sale and on-site consumption of alcohol in conjunction with the operation of Library Bistro, a bona fide public eating place, would allow for a customary service to be provided to patrons with meals that enhances their dining experience while promoting the economic viability of the downtown commercial district. Permitting the ability for a restaurant in the city's downtown to expand its business through the sale and on-site consumption of alcoholic beverages served alongside meals helps foster growth and goes toward creating a lively environment within the city's downtown and civic center areas while helping to maintain an identity within the area that is distinct from surrounding communities.

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

finding can be made in this case.

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

The requested CUP to allow for the sale and on-site consumption of alcoholic beverages in conjunction with the operation of the existing bona fide public eating place would allow for the ongoing viability of a restaurant within the city's downtown and civic center area. With the adoption of the recommended conditions of approval for the requested alcohol CUP, the Library Bistro Restaurant would be required to provide sufficient safeguards deter public nuisance issues and protect public interest, health, safety, convenience or welfare. Noncompliance with the conditions of the conditions of approval for an approved CUP for alcohol would require corrective action on behalf of the business owner and may result in revocation of the CUP. Thus, it is the 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 San Fernando Police Department for the subject property, there were a total of 12 calls for service to Library Plaza between January 1, 2010 and April 30, 2013. Of the 12 calls for service, 11 calls were unfounded or accidental alarms with no reportable incident, and 1 call was for a missing juvenile who was later found. No calls for service from the subject property were alcohol related.

The requested conditional use permit to allow for the sale and on-site consumption of alcoholic beverages as an ancillary use to the existing bona fide public eating place, with the adoption of the recommended conditions of approval, would not encourage or intensify crime within the reporting district that it is located in. The recommended conditions approval would address potential public nuisance issues attributed to crime, noise, loitering and other disturbances that may be associated with the sale of alcohol at the subject property located at 227 North Maclay Avenue. Furthermore, noncompliance with the conditions of approval for the requested CUP would require enforcement action from the city to abate any public nuisance, with repeated noncompliance leading to potential revocation of the CUP. Thus, it is the 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.

As proposed, Library Bistro, a bona fide public eating place, would augment the services they provide by offering the sale and on-site consumption of alcoholic beverages as an ancillary use to the restaurant. Alcoholic beverages would be offered for sale to patrons of the establishment to accompany the purchase of a meal. All business activity would be limited to the confines of the existing 1,007-square-foot tenant space within Library Plaza. Failure to address public nuisances issues associated with sale, purchase, and/or consumption of alcoholic beverages would result in city abatement action, including possible revocation of the CUP for repeated noncompliance. While the restaurant is located within a mixed-use commercial center that also houses the Los Angeles County Public Library, the existing restaurant or the sale and on-site consumption of alcoholic beverages is not expected to have an impact on the existing library use because it would be fully contained within the tenant space. As part of the project, no outdoor dining area would be established or is being proposed.

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

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

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

Library Bistro Restaurant is located within Census Tract No. 3202.01 and has a published total population of 3,753 residents as of the 2010 United States Census. There are a total of five (5) on-sale and off-sale alcohol licenses within the census tract. A review of city and California Department of Alcoholic Beverage Control records indicates that there are two (2) on-sale alcohol outlets (one (1) on-sale alcohol outlet for every 1,876 residents) within Census Tract No. 3202.01.

The population in Los Angeles County is 9,818,605, with ABC records showing that a total of 9,497 on-sale alcohol licenses are active countywide. The ratio of on-sale licenses to population in Los Angeles County is one license for every 1,033 residents. Since the ratio of on-sale licenses within Census Tract No. 3202.01 is less than the ratio for Los Angeles County, Census Tract No. 3202.01 does not have an undue concentration of on-sale licenses.

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 existing restaurant will serve a public convenience and necessity by providing for expanded restaurant services that

maintain the downtown and civic center areas, and in particular the City Center Sub-District, as an economically viable destination for dining, shopping and entertainment. Approval of the conditional use permit will also reduce the potential for blight impacts associated with restaurant failures and subsequent vacancies and related public nuisances. Thus, it is the commission's determination that this finding can be made in this case.

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

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

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

In reviewing permit data from the California Department of Alcoholic Beverage Control for Census Tract 3202.01, the tract Library Bistro is located in, a total of five active alcohol licenses exist. Of the five permits that are currently active, only two of these permits are for on-sale alcohol sales associated with the operation of bona fide public eating places. Based on these findings, it is staff's assessment that sale of alcoholic beverages as part of the existing restaurant would serve a niche market in the city, and the City Center Sub-District in particular, that is not currently filled by other existing businesses with similar alcoholic beverage licenses in the surrounding area and corresponding census tract. Thus, it is the commission's determination that this finding can be made in this case.

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

Library Bistro, the existing bona fide public eating place at the subject site would allow for the continued economic viability of the site consistent with similar commercial uses within the Downtown District and the City Center Sub-District. Providing for the sale and on-site consumption of alcoholic beverages as an ancillary use to the existing restaurant enhances the dining experience for patrons and convenience of purchasing alcoholic beverages in conjunction with other specialty foods. Therefore, approval of an on-sale permit alcohol to sale and serve alcoholic beverages to patrons of the restaurant along with meals would help deter the spread of economic and physical blight throughout the project area that may be

partly attributed to vacancies and deferred maintenance of vacant commercial buildings. Thus, it is the commission's determination that this finding can be made in this case.

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

Library Bistro, the existing restaurant business at the subject site would allow for the continued economic viability of the commercial center, consistent with similar commercial uses within the city's downtown and civic center areas. While no specific modification to the existing building or tenant space are proposed, the site, as developed in 1998, continues to retain its high quality appearance and retains a prime example of they type of development sought within the city's downtown and civic center areas. The issuance of the requested permit to allow for the sale and on-site consumption of alcoholic beverages associated with the existing bona fide public eating place would promote the continued success of an important business type that is critical in helping redefine the city's downtown and civic center area into a more livable, walkable, and entertaining place for visitors and residents of the city. Thus, it is the commission's determination that this finding can be made in this case.

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

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

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

Library Bistro, the existing restaurant, has been in operation since the beginning of 2013. Prior to this restaurant, "La Casita Restaurant," a similar bona fide public eating place operated at the project site at 227 North Maclay Avenue. Library Bistro complements other existing eating establishment within the commercial center it is located in, along with retail and professional office and governmental uses. In addition, the development standards of Downtown District allow for the operation of bona fide public eating places and the consideration for sales and on-site consumption of alcoholic beverages for said eating establishments through a conditional use permit. The requested conditional use permit for the

on-site sale and consumption of alcohol in combination with the operation of a bona fide eating place, will compliment existing uses in the district and promote the economic viability of the downtown and civic center areas as an eating and entertainment destination center for residents and visitors to the community. Thus, it is the commission's determination that this finding can be made in this case.

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

To evaluate and substantiate this finding, data from the San Fernando Police Department was requested for the reporting track that the project site is located in. Library Bistro and Library Plaza, the commercial center the restaurant is located in, are located within the reporting area of Police Department "Track 2." Track 2 encompasses an area bounded by Hubbard Avenue to the northwest, Glenoaks Boulevard to the northeast, Arroyo Avenue to the southeast, and First Street to the southwest.

In review of police department data from January 1, 2010 to April 30, 2013, the existing restaurant or the current operator was not reported to have any history of law enforcement problems. A total of 12 service calls were reported to have occurred for Library Plaza, with 11 calls being unfounded or accidental alarms with no reportable incident. One (1) call was for a missing juvenile who was later found. No calls for service from the subject property were alcohol related. Therefore, the requested CUP to allow for the sale and on-site consumption of alcoholic beverages as an ancillary use to the existing bona fide public eating place is not expected to increase the demand for law enforcement calls for service to the subject site. Furthermore, noncompliance with the conditions of approval for the requested CUP would require enforcement action from the city to abate any public nuisance, with repeated noncompliance leading to potential revocation of the CUP. It is the commission's determination that no significant criminal activity has occurred at the subject site and sufficient safeguards would be in place as part of the requested CUP to abate any potential public nuisance issues. Thus, it is the commission's determination that this finding can be made in this case.

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

The data from the police department groups the information available for United States Census Tracts 3202.01 and 3202.02 as one complete reporting area, referred to as Police Department Track 2. Track 2 encompasses an area bounded by Hubbard Avenue to the northwest, Glenoaks Boulevard to the northeast, Arroyo Avenue to the southeast, and First Street to the southwest. Based on the reporting data available from the San Fernando Police Department, since January 1, 2010 to April 30, 2013, 39 percent of all incidents reported were generated from Track 2.

This rate is proportional with the rest of the city, as this reporting track covers the largest area of land, approximately 0.96 square miles. In comparison, Tracks 1 and 2 are comprised of an area of approximately 0.73 square miles and 0.65 square miles, respectively. It is anticipated

that approval of the requested CUP to allow for the sale and on-site consumption of alcoholic beverages as an ancillary use to the existing bona fide public eating place, would not have the effect of increasing incident reporting percentages for this reporting track. Furthermore, approval of the CUP with the recommended conditions of approval, would allow for the abatement of public nuisances associated with alcohol sale, purchase and/or consumption. Thus, it is the commission's determination that this finding can be made in this case.

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

Based on reporting data provided by the San Fernando Police Department regarding alcoholic related service calls, none of the 12 calls for service to the subject property were for alcohol related incidents. Additionally, the police department notes that no arrests have been made from the requested period of review from January 1, 2010 to April 30, 2013. It is not anticipated that the requested CUP to allow for the sale and on-site consumption of alcoholic beverages as an ancillary use to the existing bona fide public eating place would increase the number alcohol-related service calls, with the recommended conditions of approval for the project.

The primary use of the tenant space as a bona fide public eating place would with the addition of the ancillary alcoholic beverage sales. Alcoholic beverages would be offered to patrons of the sit-down restaurant with the order of a meal. Furthermore, approval of the CUP with the recommended conditions of approval, would allow for the abatement of public nuisances associated with alcohol sale, purchase and/or consumption. Thus, it is the commission's determination that this finding can be made in this case.

BE IT FURTHER RESOLVED that based upon the foregoing, the Planning and Preservation Commission hereby approves Conditional Use Permit 2013-01, subject to the conditions of approval attached as Exhibit "A".

PASSED, APPROVED AND ADOPTED this 7th day of May 2013.

THEALE E. HAUPT, CHAIRPERSON

ATTEST:

FRED RAMIREZ, SECRETARY TO THE PLANNING
AND PRESERVATION COMMISSION

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

I, FRED RAMIREZ, Secretary to the Planning and Preservation Commission of the City of San Fernando, do hereby certify that the foregoing Resolution was duly adopted by the Planning and Preservation Commission and signed by the Chairperson of said City at a meeting held on the 7th day of May 2013; and that the same was passed by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

FRED RAMIREZ, SECRETARY TO THE PLANNING AND
PRESERVATION COMMISSION

EXHIBIT “A”
CONDITIONS OF APPROVAL

PROJECT NO. : **Conditional Use Permit 2013-01**

PROJECT ADDRESS : 227 North Maclay Avenue, San Fernando, CA 91340
Los Angeles County Assessor’s Parcel No’s.: 2520-026-007, 012, 013, 014, 015 and 019

PROJECT DESCRIPTION : The proposed project is a request for review and approval of a Conditional Use Permit, to allow for the ancillary sale and on-site consumption of alcoholic beverages (“on-sale alcohol permit”) in conjunction with the operation of “Library Bistro,” a bona fide public eating place located at 227 North Maclay Avenue. The existing restaurant occupies an approximate 1,007-square-foot unit within “Library Plaza,” a multi-tenant commercial center located at 217 North Maclay Avenue. The Library Plaza property is an approximate 29,812-square-foot commercial center located on the northerly portion of the 200 block of North Maclay Avenue, between Second Street and Third Street, within the Downtown District (City Center Sub-District) of the SP-4 (Corridors Specific Plan) zone.

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

1. Conditional Use Permit Entitlement. The conditional use permit is granted for the land described in this application and any attachments thereto, as reviewed by the Planning and Preservation Commission on May 7, 2013, except as herein modified to comply with these Conditions of Approval.
2. Incidental Use. The conditional use permit is granted for the “incidental” on-site sale, purchase, and/or consumption of alcoholic beverages. The sale of alcoholic beverages shall be “incidental to the sale of other products” as defined in City Code Section 106-177 (Definitions). Proof satisfactory to the chief planning official shall be annually submitted to show that the sale of alcohol has remained incidental to sale of other products. The applicant shall comply with all requirements of the California Department of Alcoholic Beverage Control.
3. Alcoholic Consumption Limitation. The operator of the restaurant shall comply with all the applicable city provisions for the on-site sale and consumption of alcoholic beverages in conjunction with a bona fide public eating place pursuant to City Code Sections 106-176 through 106-183. All on-site sale and consumption of alcoholic beverages shall be limited to the confines of the building. Alcoholic beverages shall not be permitted to be consumed in the parking area or other exterior areas of the premises. Alcoholic beverages shall not be sold for consumption off the premises. In addition, loitering in the public right-of-way area, parking area, and/or in front of adjacent properties is prohibited.

4. Standard Conditions for On-Sale Alcohol Establishments. In addition to those conditions of approval which the Planning and Preservation Commission may otherwise impose, all on-sale conditional use permits for alcoholic beverage sales shall be subject to the following standard conditions, as required by City Code Section 106-182:
- a. Alcoholic beverages shall not be permitted to be consumed in the parking area or other exterior areas of the premises;
 - b. Alcoholic beverages shall not be sold for consumption off the premises;
 - c. The hours of operation, including deliveries to the proposed establishment, shall be reviewed and approved by the Planning and Preservation Commission as part of the CUP application in order to ensure compatibility with the surrounding area;
 - d. All employees who serve or sell alcoholic beverages shall successfully complete a responsible beverage service training program that meets the requirements of ABC. Records of such training shall be maintained on the premises and made available to the police department personnel upon request;
 - e. Loitering in the public right-of-way, parking area and in front of adjacent properties is prohibited;
 - f. Windows shall comply with the city's sign regulations in order to provide clear and unobstructed view of the cash register and sales area from the parking lot and street. Exceptions for on-sale outlets may be reviewed and approved by the chief planning official;
 - g. The following signs shall be conspicuously posted onsite:
 - i. Exterior signs referencing Penal Code Section 602.1. Such signs shall be clearly visible from the establishment's parking area and shall include the police department's phone number.
 - ii. An interior sign in English and Spanish stating: "We ID everyone under 26 years of age for alcohol sales" with minimum dimensions of eight inches by 11 inches.
 - h. Exterior public telephones that permit incoming calls shall not be located on the premises;
 - i. Electronic games, including video games, shall not be located on the premises;
 - j. Exterior lighting of the parking area shall provide adequate lighting for patrons while not producing glare or light spillover disturbing surrounding residential or commercial areas;
 - k. A security camera system approved by the police department shall be installed on the premises and shall be maintained in proper working order at all times. The security camera system shall be subject to inspection by the police department. The system must be capable of producing

retrievable images on film or tape that can be made a permanent record and that can be enlarged through projection or other means. The video or digital recordings generated by the system shall be maintained for a period of 30 days;

- l. The establishment shall implement preventive architectural design features as approved by the chief of police and the chief planning official in order to maintain a secure site by controlling access to the facility, open sight lines, adequate lighting levels, ambient noise levels and circulation patterns;
 - m. Special security measures such as security guards, door monitors, and burglar alarms systems may be required as a condition of approval with final determination made by the chief of police and the chief planning official on a case-by-case basis;
 - n. Litter and trash receptacles shall be located at convenient locations both inside and outside the establishment, and trash and debris shall be removed on a daily basis;
 - o. The exterior of the establishment, including all signs, accessory buildings and structures shall be maintained free of litter and graffiti at all times. All graffiti shall be removed from the premises within 24 hours of its discovery;
 - p. With regard to those conditional use permit applications that are approved based in part upon the fact that alcohol sales on the premises are incidental to the sale of other products, proof satisfactory to the chief planning official shall be annually submitted to show that the sale of alcohol has remained incidental to the sale of other products;
 - q. Within 30 days of approval of this conditional use permit, the applicant shall certify his or her acceptance of the conditions placed on the approval by signing a statement that he or she accepts and shall be bound by all of the conditions;
 - r. Violation of, or noncompliance with, any of the conditions of approval shall constitute grounds for revocation of this conditional use permit;
 - s. Expansion or enlargement of the business premises over the life of the structure or the use shall be subject to review by the Community Development Department as part of the conditional use permit approval process.
5. Hours of Operation. The sale of alcoholic beverages can only be sold during hours that meals are being served between the hours of 10:00 A.M. to 11:00 P.M. Sunday through Thursday and between 10:00 A.M. and 12:00 Midnight on Friday and Saturday. The business is allowed to open at earlier start times on a daily basis in order to serve meals so long as no alcoholic beverages are sold prior to the hour of 10 A.M. The operator of the restaurant will be responsible for requiring that there be no loitering on the site at any time and that all customers shall leave the site no later than 30 minutes after closing. The doors to the establishment shall remain closed except upon entering and exiting the business.
6. Department of Alcoholic Beverages Control (ABC) Training. All employees who serve or sell alcoholic beverages shall successfully complete a responsible beverage service training program that

meets the requirements of the ABC. Records of such training shall be maintained on the premises and made available to the police department personnel upon request.

7. Signage. Windows on the premises shall comply with the city's sign regulations in order to provide clear and unobstructed view of the cash register and sales area from the parking lot and street.
8. Surveillance. A security camera system approved by the police department shall be installed on the premises and shall be maintained in proper working order at all times. The security camera system shall be subject to inspection by the police department. The system must be capable of producing retrievable images on film or tape that can be enlarged through projection or other means. The video or digital recordings generated by the system shall be maintained for a period of 30 days. Special security measures such as security guards, door monitors, and burglar alarms systems may be required as a condition of approval with final determination made by the chief of police and the chief planning official on a case-by-case basis. In addition, the establishment shall implement preventive architectural design features as approved by the chief of police and the chief planning official in order to maintain a secure site by controlling access to the facility, open sight lines, adequate lighting levels, ambient noise levels and circulation patterns.
9. Entertainment. 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. Electronic games, including video games shall not be located on the premises.
10. Revocation. Violation of, or noncompliance with, any of these conditions of approval shall constitute grounds for revocation this conditional use permit, as provided below:
 - a. Upon the issuance of, and conviction for, three zoning violation citations;
 - b. Upon the revocation of the alcoholic license by ABC;
 - c. Upon any two disciplinary actions by ABC in the form of a fine or suspension of the alcoholic license, during the term of the CUP; or
 - d. Where conditions and activities on and/or adjacent to an off-sale or on-sale outlet, as defined herein, interfere with the quiet enjoyment of life and property in the neighborhood, or are or tend to be, injurious to health and safety of persons in the neighborhood. These include, but are not limited to the following:
 - i. Excessive noise, noxious smells or fumes, loitering, littering, curfew violations, disturbing the peace, illegal drug activity, public drunkenness, drinking in public, public urination, public vandalism, graffiti, lewd conduct, gambling, harassment of passersby, prostitution, sale of stolen merchandise, illegal parking, traffic violations, theft, assaults, batteries;
 - ii. Illegal sale, manufacture, storing, possession, distribution of alcoholic beverages; or,
 - iii. Police detention, citation, and/or arrests for these or any other unlawful activity attributed to the sale and/or consumption of alcoholic beverages declared by the city to be a public

nuisance.

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

11. Trash Enclosure. All trash bins shall be kept free of trash overflow and maintained in a clean manner at all times. Litter and trash receptacles shall be located at convenient locations both inside and outside the establishment, and trash and debris shall be removed on a daily basis.
12. Property Maintenance. The subject site and its immediate surrounding area shall be maintained in a clean, neat and orderly manner at all times and shall comply with the property maintenance standards as set forth in the San Fernando City Code.
13. Graffiti Removal. 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.
14. Site Inspections. The community development department shall inspect the site to assure compliance with these conditions of approval. The restaurant operator and all successors shall grant the right of access to authorized agents of the City of San Fernando to conduct periodic inspections of the property.
15. Modifications. Unless the chief planning official deems a proposed change to the approved plans and operation a minor modification, any and all other modifications to the development plan, including these conditions of approval, shall require review and approval by the Planning and Preservation Commission. Expansion or enlargement of the business premises over the life of the structure or the use shall be subject to the CUP modification approval process.
16. Acceptance. Within thirty (30) days of approval of this conditional use permit, the restaurant operator(s) or their duly authorized representatives shall certify the acceptance of the conditions of approval by signing a statement using an acceptance affidavit form provided by the City of San

Fernando that acknowledges acceptance of and commitment to adhere to all of the conditions of approval.

17. 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.
18. Expiration. This conditional use permit shall become null and void unless exercised by initiating substantive action to implement the operation permitted by this entitlement within twelve (12) months of final approval; or until such additional time as may be granted by the community development department upon receipt of a request for an extension received prior to such expiration date. Subsequent failure to obtain and exercise an active business occupancy permit shall also cause expiration of the conditional use permit.

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ATTACHMENT 2:

**Conditional Use Permit Application
CUP 2013-01**

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CITY OF SAN FERNANDO
Department of Community Development

117 MACNEIL STREET
 SAN FERNANDO, CA 91340
 Tel. No: (818) 898-1227
 Fax No: (818) 361-7631

Permit No : **PL1300764**
 Permit Status : In Process
 Plan Check Status :
 Page 1 of 1
 03/11/2013

Conditional Use Permit

Job Address: **227 N MACLAY AVE**

PRE :
 Entered By : earroyo

Project No 130000308
 Activity Type Conditional Use Permit
 Project Name Planning
 Parcel Number
 Project Description CUP 2013-01 - LIBRARY BISTRO
 Applicant DORA ALICIA CEBALLOS
 Applicant Address 227 N MACLAY AVE SAN FERNANDO CA 91340
 Applicant Phone (818)427-7415

Applied : 03/11/2013
 Issued :
 Completed :
 To Expire :

Base Address 227 N MACLAY AVE
 Valuation \$0.00

Job Description CUP 2013-01 - REQUEST FOR ON-SALE ALCOHOL CUP (ALCOHOLIC BEVERAGES TO BE SERVED FOR ON-SITE CONSUMPTION ONLY) IN CONJUNCTION WITH LIBRARY BISTRO, A BONA FIDE PUBLIC EATING ESTABLISHMENT (FULL SERVICE SIT-DOWN RESTAURANT) PURSUANT TO CITY CODE SECTION 106-176, ET AL. AND SECTION 2.1(B)(2) OF THE DEVELOPMENT STANDARDS FOR THE DISTRICT. ZONE: SP-4 (DOWNTOWN DISTRICT/CITY CENTER SUB-DISTRICT).

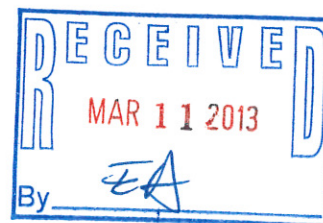
Applicant DORA ALICIA CEBALLOS Lic. (818)427-7415
 227 N MACLAY AVE SAN FERNANDO CA 91340
 Owner LIBRARY PLAZA, LLC Lic. (818)270-9070
 601 S. BRAND BLVD, 3RD FLOOR SAN FERNANDO CA 91340

Fees

<u>Fee Description</u>	<u>Account</u>	<u>Units</u>	<u>Fee/Units</u>	<u>Amount</u>	<u>Paid</u>
Conditional Use Permit Review Fee				\$3,005.00	\$3,005.00
Published Notice in Newspaper				\$600.00	\$600.00
Public Notification: Postage				\$120.00	\$120.00
Environmental: Categorical Exemption				\$204.00	\$204.00
Activity Information Management System (AIMS)				\$300.50	\$300.50
Maintenance Surcharge					

<u>Plan Check</u>		<u>Permit</u>		<u>Total</u>	
Fees:	\$0.00	Fees:	\$4,229.50	Fees:	\$4,229.50
Payments:	\$0.00	Payments:	\$4,229.50	Adjustments:	\$0.00
Balance Due:	\$0.00	Balance Due:	\$0.00	Payments:	\$4,229.50
				Extend Credit:	\$0.00
				Balance Due:	\$0.00

<u>Date</u>	<u>Transaction Type</u>	<u>Method</u>	<u>Amount</u>
03/11/2013	Payment of Balance Due	check	\$4,229.50



CUP 2013-01



**THE CITY OF
SAN FERNANDO**



Community Development Department

117 Macneil Street San Fernando, CA 91340 · (818) 898-1227 · Fax: (818) 898-7329

Conditional Use Permit Application

PROJECT INFORMATION

Site Address(es)	227 N Maclay Ave.		
Assessors Parcel Number(s) 'APN'	2520-026-012, -013, -014, & -015		
Lot Size	225' x 132.5' (29,812.5sf)	Existing Building (Square Footage)	1,007sf (unit only)
Proposed Addition (Square Footage)	NA	Total Parking Spaces (On-site/Off-site)	64/ 16
Proposed Use(s)	the sale of alcohol at a bon-a-fide eating establishment	Landscaping (Square Footage)	NA
Project Description/Type of Conditional Use Permit Request (Include any additional information on separate sheet and attach to the back of this application.) C.U.P. for the purpose of on-site sale of alcohol at a bona-a-fide eating establishment.			

APPLICANT INFORMATION

Applicant Name	Dora Alicia Ceballos		Phone Number	(818) 427-7415
Mailing Address	227 N Maclay Ave., San Fernando, CA 91340			
Fax Number	(818) 365-7656	Email Address	victor4homes@gmail.com	Signature <i>Dora A Ceballos</i>

PROPERTY OWNER INFORMATION

Applicant Name	Library Plaza, LLC		Phone Number	(818) 270-9070
Mailing Address	601 S. Brand Blvd., 3rd Floor, San Fernando, CA 91340			
Fax Number	(818) 270-9071	Email Address	adriana@aszkenazy.com	Signature <i>Adriana</i>

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CUP Application \$3,005.00	Zone <i>SR4 (Downtown District City Center Sub-District)</i>	General Plan Area <i>SR4</i>	File Number
AIMS Surcharge \$ 300.50	Date Filed <i>3/11/2013</i>		CUP No. <i>2013-001</i>
Environmental \$ 204.00	Accepted By <i>E. May</i>		AIMS No. <i>PL1300764</i>
Notification \$ 120.00			Cross Reference
Publishing \$ 600.00			SPR No. _____
Total Fee \$4,229.50			VAR No. _____
Comments			OTHER _____

ATTACHMENT 3:

**Notice of Public Hearing Published in the
Los Angeles Daily News**

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(DAILY NEWS) NOTICE OF A PUBLIC HEARING THE CITY OF SAN FERNANDO PLANNING AND PRESERVATION COMMISSION A...

Source: [Los Angeles Daily News \(http://dailynews.kaango.com\)](#)

Description

(DAILY NEWS) NOTICE OF A PUBLIC HEARING THE CITY OF SAN FERNANDO PLANNING AND PRESERVATION COMMISSION A public hearing on this matter and associated potential environmental impacts, if any, will be conducted by the City of San Fernando Planning and Preservation Commission on: DATE: Tuesday, May 7, 2013 TIME: 7:00 p.m. HEARING LOCATION: City Hall Council Chambers, 117 Macneil Street, San Fernando, CA 91340 PROJECT LOCATION: 227 North Maclay Avenue (Los Angeles County Assessor's Parcel No's.: 2520-026-007, 012, 013, 014, 015 and 019) APPLICATION: Conditional Use Permit 2013-01 PROJECT PROPONENT: Dora Alicia Ceballos, Library Bistro, 227 North Maclay Avenue, San Fernando, CA 91340 PROJECT DESCRIPTION: The proposed project is a request for review and approval of a Conditional Use Permit, to allow for the ancillary sale and on-site consumption of alcoholic beverages ("on-sale alcohol permit") in conjunction with the operation of "Library Bistro," a bona fide eating establishment located at 227 North Maclay Avenue. The existing restaurant occupies an approximate 1,007-square-foot unit within "Library Plaza," a multi-tenant commercial center located at 217 North Maclay Avenue. The Library Plaza property is an approximate 29,812-square-foot commercial center located on the northerly portion of the 200 block of North Maclay Avenue, between Second Street and Third Street, within the Downtown District (City Center Sub-District) of the SP-4 (Corridors Specific Plan) zone. The requested ancillary sale and on-site consumption of alcohol in conjunction with the operation of a bona fide eating establishment would be established with the requested conditional use permit pursuant to Section 2.4(A) of the development standards for the Downtown District and City Code Sections 106-145 and 106-176, et al. This project has been reviewed for compliance with the California Environmental Quality Act (CEQA). Based on that assessment, the project has been determined to be Categorically Exempt under Class 1 (Existing Facilities) of the City's adopted local CEQA Guidelines. If you wish to challenge the action taken on this matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of San Fernando at, or prior to, the public hearing. For further information regarding this proposal, please contact Edgar Arroyo, Assistant Planner, at (818) 837-1540 or by written correspondence to: City of San Fernando, Community Development Department, 117 Macneil Street, San Fernando, CA 91340-2993. FRED RAMIREZ, City Planner Publish April 27, 2013

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ATTACHMENT 4:

Mailed Notice of Public Hearing

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**NOTICE OF A
PUBLIC HEARING**

THE CITY OF SAN FERNANDO PLANNING AND PRESERVATION COMMISSION

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

DATE: Tuesday, May 7, 2013

TIME: 7:00 p.m.

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

PROJECT LOCATION: 227 North Maclay Avenue
(Los Angeles County Assessor's Parcel No's.: 2520-026-007, 012, 013, 014, 015 and 019)

APPLICATION: Conditional Use Permit 2013-01

PROJECT PROPONENT: Dora Alicia Ceballos, Library Bistro, 227 North Maclay Avenue, San Fernando, CA 91340

PROJECT DESCRIPTION:

The proposed project is a request for review and approval of a Conditional Use Permit, to allow for the ancillary sale and on-site consumption of alcoholic beverages ("on-sale alcohol permit") in conjunction with the operation of "Library Bistro," a bona fide eating establishment located at 227 North Maclay Avenue. The existing restaurant occupies an approximate 1,007-square-foot unit within "Library Plaza," a multi-tenant commercial center located at 217 North Maclay Avenue. The Library Plaza property is an approximate 29,812-square-foot commercial center located on the northerly portion of the 200 block of North Maclay Avenue, between Second Street and Third Street, within the Downtown District (City Center Sub-District) of the SP-4 (Corridors Specific Plan) zone.

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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 Edgar Arroyo, Assistant Planner, at (818) 837-1540 or by written correspondence to: City of San Fernando, Community Development Department, 117 Macneil Street, San Fernando, CA 91340-2993.



FRED RAMIREZ
City Planner



SITE ADDRESS:

APN: 2520-026-007,12,13,14,15,19

LEGEND:

1. - 93. OWNERS
7 LOT NUMBER
2520-026 ASSESSOR BOOK & PAGE
10 ASSESSOR PARCEL NUMBER
123 ADDRESS

500' OWNERSHIP RADIUS MAP



JPL ZONING SERVICES
6257 VAN NUYS BLVD., #101
VAN NUYS, CA 91401
PHONE 818-781-0016

CASE NO:

DATE: 3/5/2013

SCALE: 1" = 160'

USES: FIELD

CONTACT PERSON

ASZKENAZY DEVELOPMENT INC.

PHONE: (818)-270-9082

JPL #7116 AF



ATTACHMENT 5:

Vicinity Map

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OFF-SITE PARKING LOT
226 and 234 Hagar Street
APNs: 2520-026-007 and 019
29,812-Square-Foot Lot w/
46 Parking Spaces

COMMERCIAL CENTER SITE
Library Plaza
217 North Maclay Avenue
APNs: 2520-026-012, 013, 014, and 015
29,812-Square-Foot Lot w/
18 Parking Spaces

RESTAURANT SITE
Library Bistro
227 North Maclay Avenue
1,007-Square-Foot Restaurant

VICINITY MAP
227 North Maclay Avenue

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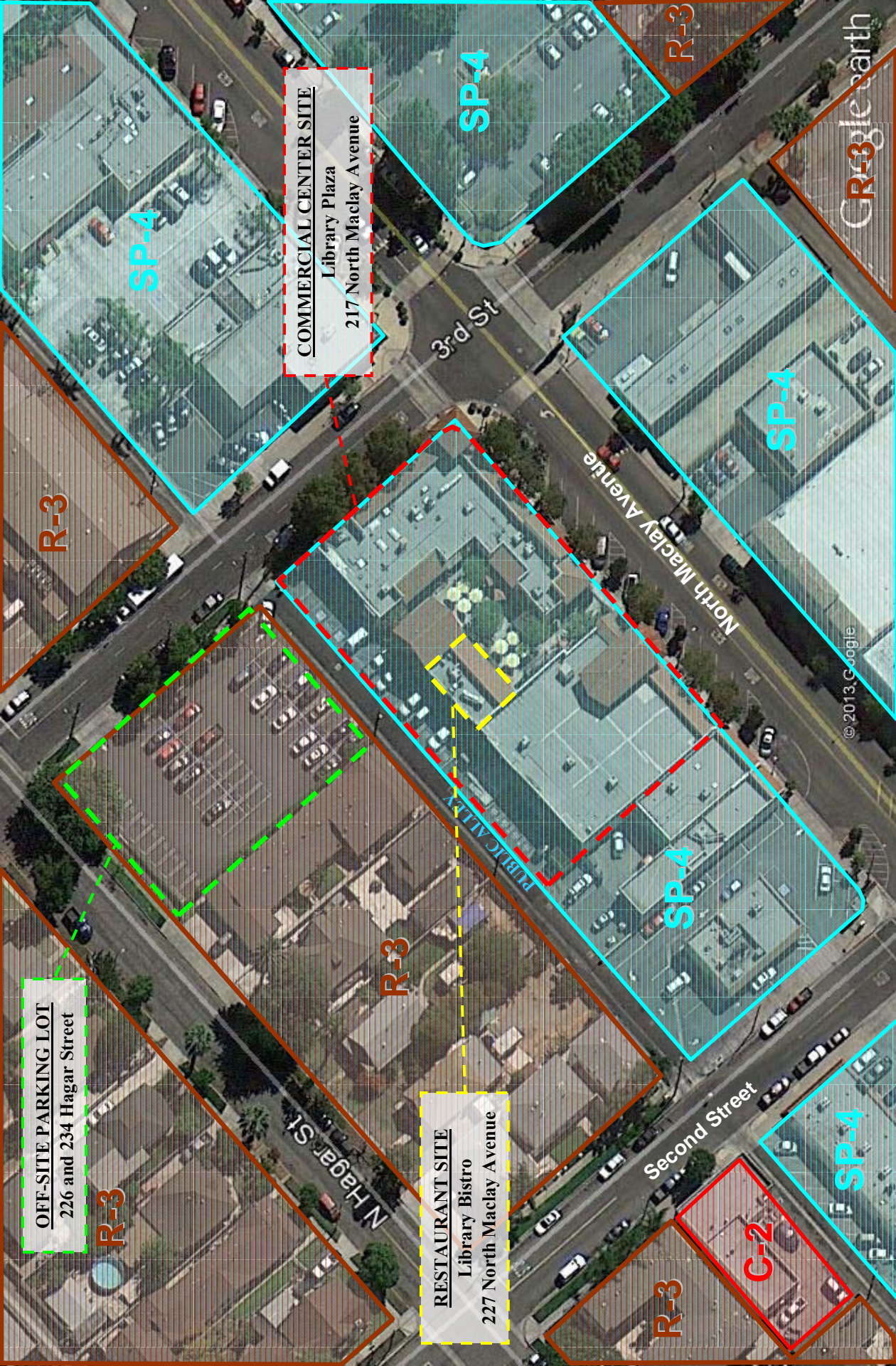
Google earth

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ATTACHMENT 6:

Zoning Map

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COMMERCIAL CENTER SITE
Library Plaza
217 North MacLay Avenue

OFF-SITE PARKING LOT
226 and 234 Hagar Street

RESTAURANT SITE
Library Bistro
227 North MacLay Avenue

ZONING MAP
227 North MacLay Avenue

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ATTACHMENT 7:

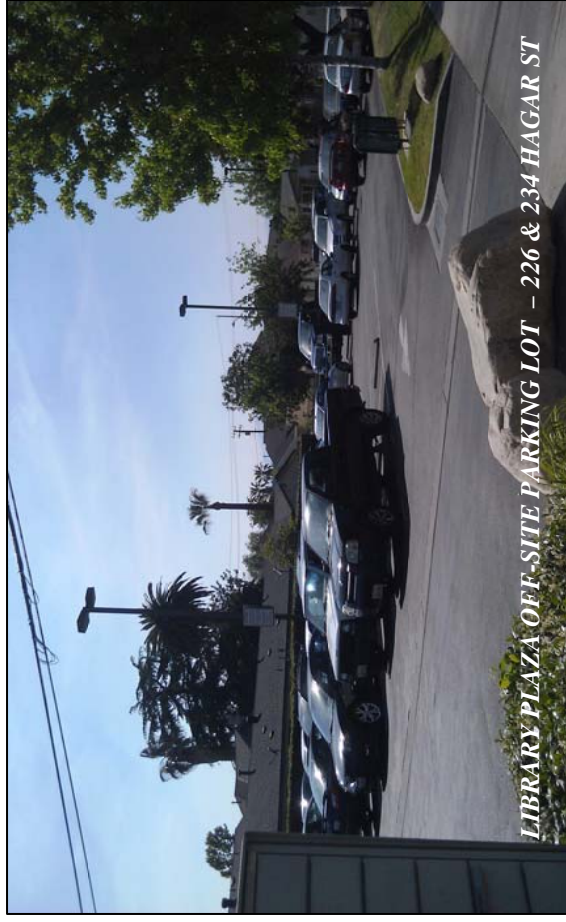
Project Site Photos

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SITE PHOTOS

Library Plaza and Library Bistro: 217 and 227 North MacLay Avenue

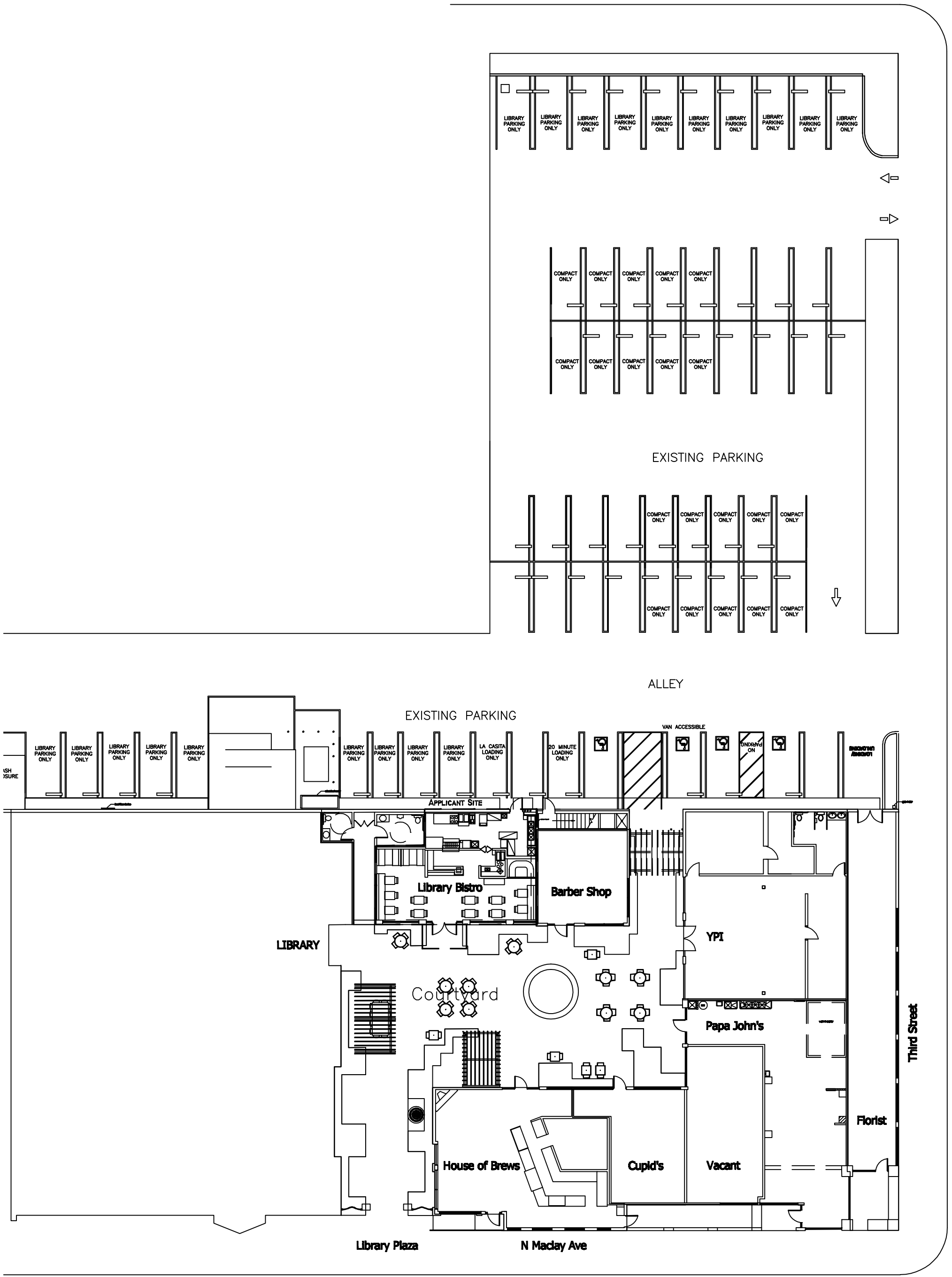


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ATTACHMENT 8:

Site Plan and Floor Plan

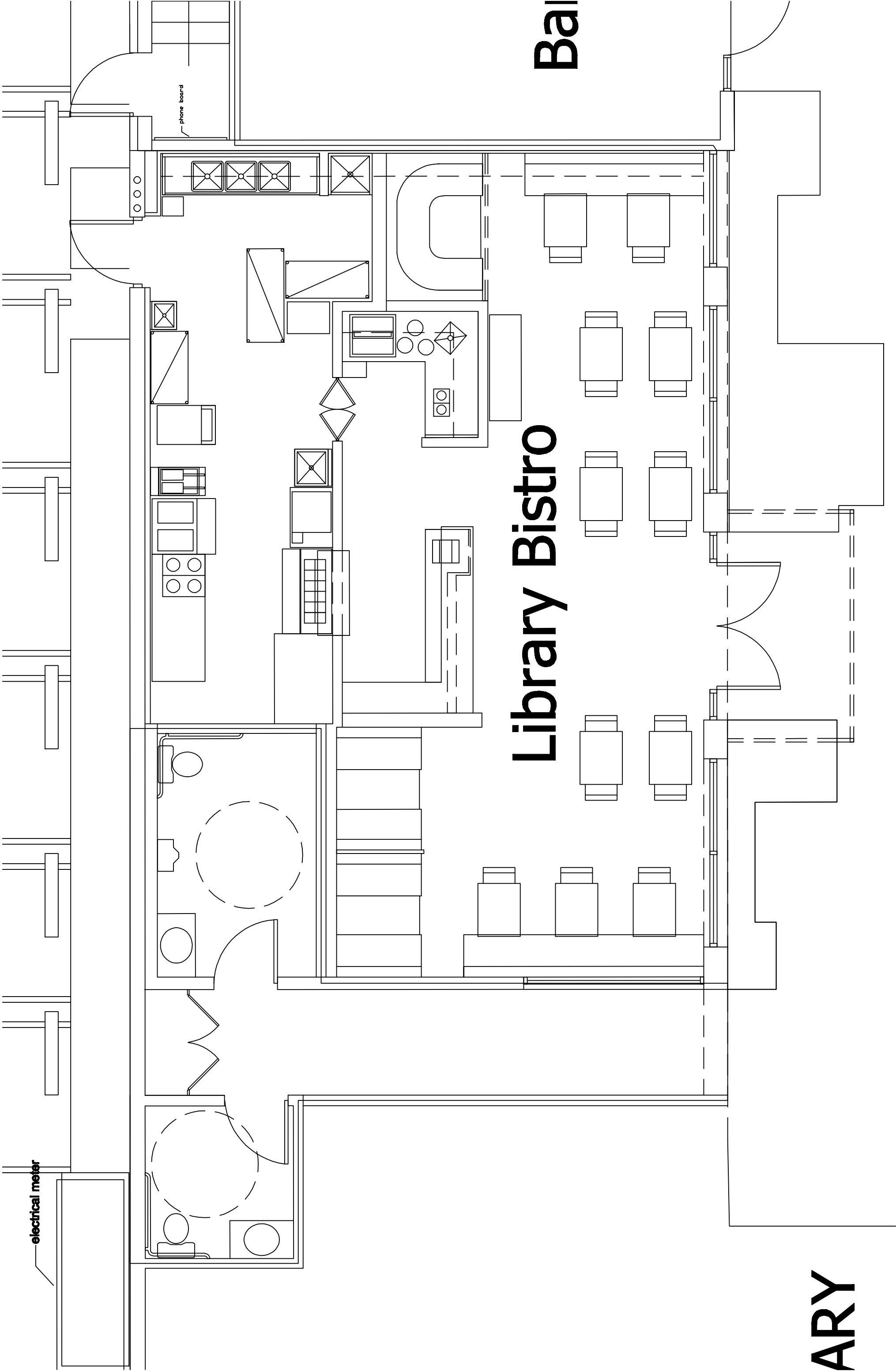
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Library Plaza site plan

scale: nts

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Library Bistro

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