



**CITY OF SAN FERNANDO  
COUNCIL CHAMBERS  
PLANNING AND PRESERVATION COMMISSION AGENDA  
MAY 6, 2014**

**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 Rodolfo Salinas, Jr.

**4. APPROVAL OF AGENDA**

May 6, 2014

**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.

- Planning and Preservation Commission minutes of the February 4, 2014 meeting

**7. NEW BUSINESS**

**A: Subject: Conditional Use Permit 2014-01 and Modification of Variance 1995-02**

**Location: 1242 Pico Street, San Fernando, CA 91340**

**Applicant: Janelle P. Williams Land Use Services (on behalf of Carrillo's Tortilleria), 2418 Honolulu Avenue, Unit B, Montrose, CA 91020**

**Proposal: The proposed project is a request for review and approval of a conditional use permit to allow an existing restaurant to sell beer and wine for on-site and off-site consumption. Pursuant to Code Sections 106-176, et al., sale of beer and wine for on-site or off-site consumption required the Planning and Preservation Commission's approval of a conditional use permit. The restaurant currently has a legal non-conforming entitlement to sell beer and wine for off-site consumption as the use was established at the C-2 (Commercial) zoned property as a permitted use prior to the City's 1985 Comprehensive zone code**

update (City Ordinance No. 1270; Adopted September 30, 1985). The 1985 zone code update required all future applicants seeking to sell alcoholic beverages for on-site or off-site consumption to obtain approval by City's Planning and Preservation Commission of a conditional use permit. Furthermore, the project includes a request to modify Variance 1995-02, which was previously approved by the City to allow a reduction in the required minimum number of on-site parking spaces from 10 to 6 (City Code Section 106-822(c)(2)). The current proposal would modify the existing variance to allow three of the six on-site parking spaces to be designed in a tandem parking configuration (City Code Section 106-832). The project site is an approximate 7,275 square foot lot improved with an approximate 5,066 square foot commercial building located at 1242 Pico Street; at the southeast corner of Pico Street and Kalisher Street within the City's C-2 (Commercial) zone.

**Recommendation:** Staff recommends that the Planning and Preservation Commission approve Conditional Use Permit 2014-01, to allow for the ancillary sale and the on-site consumption of alcoholic beverages in conjunction with the operation of Carrillo's Tortilleria, a bona fide public eating place located at 1242 Pico Street and approve a request to modify Variance 1995-02, which was previously approved to allow a reduction in the required minimum number of on-site parking spaces from 10 to 6 to now allow three of the on-site spaces to be designed in a tandem parking configuration, pursuant to Planning and Preservation Commission Resolution 2014-05 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 3, 2014

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](http://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 AND PRESERVATION COMMISSION**

**DRAFT MINUTES OF FEBRUARY 4, 2014 MEETING  
CITY HALL COUNCIL CHAMBER**

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

**CALL TO ORDER**

The meeting was called to order by Theale Haupt at 7:04 P.M.

**PLEDGE OF ALLEGIANCE**

Led by Theale Haupt

**ROLL CALL**

The following persons were recorded as present:

**PRESENT:**

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

**ABSENT**

Rudy Salinas

**ALSO PRESENT**

Community Development Director Fred Ramirez and Community Development Secretary Michelle De Santiago

**APPROVAL OF AGENDA**

Vice-chairperson A. Durham moved to approve the agenda of February 4, 2014. Seconded by Commissioner K. Beaulieu, the motion carried with the following vote:

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

**CONSENT CALENDAR**

Vice-chair A. Durham moved to approve the minutes of the Planning and Preservation Commission for November 19, 2013 and minutes of the January 7, 2014 meetings. Seconded by Commissioner K. Beaulieu, the motion carried with the following vote:

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

**UNFINISHED BUSINESS**

None

**PUBLIC HEARING 7A: Conditional Use Permit 2013-11 (CUP 2013-11) – 425 Park Avenue, San Fernando, CA 91340 – Kelly Rogers, Street sign Brewery Company, 845 Atchison Street, Pasadena, CA 91104 – The proposed project is a request for approval of a Conditional Use Permit to allow for the operation of Street Sign Brewing Company, a small beer manufacturer/micro-brewery at 425 Park Avenue.**

### **STAFF PRESENTATION**

Assistant Planner Edgar Arroyo gave the staff presentation recommending that the Planning and Preservation Commission approve Conditional Use Permit 2013-11, to allow for the manufacturing, distribution, wholesale, and retail sale of beer for on-site and off-site consumption associated with the operation of Street Sign Brewery, a small manufacturer/micro-brewery at 425 Park Avenue, pursuant to Planning and Preservation Commission Resolution 2014-03 and the conditions of approval attached as Exhibit “A” to the resolution (Attachment 1).

### **PUBLIC TESTIMONY**

Steve Klenk 466 Fourth Street – Mr. Klenk stated that he opposes the project; the proposal is best suited for the commercial area. He was concerned with the close proximity of the recreational area and education institutes in the area. His concern is that the use is not compatible nor is it appropriate for the area, he asked if the applicant considered the JC Penny building. Mr. Klenk stated that if it was the manufacturing of the beer with no sales he would not have any concerns.

Mario Rodriguez - 429 Griswold Avenue – Mr. Rodriguez thanked staff for all their research on the project, he stated that he loves the fact that this project is being proposed in the city. He asked what types of odors would be released into the neighboring area. He expressed concern with the existing lack of parking in the area and the proposed retail sales.

Vic Shacunian – Mr. Shacunian informed the commission that all servers will be trained by ABC to identify the intoxication level of an individual. He addressed the question about the odors or smells that would be released into the atmosphere and stated that all of the gases produced by the brewery would be filtered through water.

Ellis – 11150 Hortense Street, North Hollywood, CA – Ellis stated, he has lived in the valley and loves craft beer. He stated that micro-breweries don't have a negative reputation. He stated he would love to see the proposed project approved, he would patronize the location. Stating the proposal to have special events will make the beer more interesting.

Maria -1333 Hewitt Street, San Fernando, CA – Maria stated she was born in San Fernando and is thrilled if the project is approved, she doesn't see someone visiting location to just get intoxicated.

Julia – 12548 Bradley Street, Sylmar, CA – Julia stated that the project would attract a young crowd, she stated her husband brews beer and she has an appreciation for craft beer. She stated she would definitely patronize the location and supports the project.

Sasha – 20660 Celtic Street, Chatsworth, CA – She stated that a tasting room is just like inviting someone into your livingroom to taste what you have created. She explained she is a mother of two young children and the breweries she has visited have a family environment.

K. Beaulieu asked the applicant if he accepted the terms regarding the number of times that special events could take place at the proposed brewery.

Y. Mejia asked if there was no live music would it still be considered a special event.

T. Haupt asked for clarity on what would entail a special event.

F. Ramirez indicated that any activity that that would create a greater demand than the maximum occupancy of the building, spilling into the parking lot would constitute a special event.

T. Haupt stated that the occupancy load would dictate a special event.

K. Beaulieu asked if the doors or windows would be soundproof.

E. Arroyo indicated that there is one door and no windows at the location.

T. Haupt asked what the storage capacity would be at two brews per day.

K. Rogers stated that two brews per day would yield approximately 500 barrels a year and as demand increased the number of barrels produced will increase as well.

K. Beaulieu asked what brought the applicant to the City of San Fernando.

K. Rogers indicated that initially Northridge and Chatsworth were the different areas that they were considering but being that his son works at San Fernando Middle School and it was he who convinced him to look into the City of San Fernando.

K. Beaulieu asked Mr. Rogers if he had intentions of taking over the entire building.

K. Rogers stated that the landlord operates his business out of the other half of the building.

Y. Mejia asked that the operators are responsible business owners and not allow someone who has had too much to drink to get behind the wheel instead to call a taxi for them.

K. Beaulieu asked what are the noise limits and the time limits when there is a special event scheduled.

F. Ramirez indicated that the decibel levels are based on the zone and the time limits associated with special events could be made identified in the conditions of approval.

T. Haupt indicated that he does not agree with the parking lot being used as a spill over of patron associated with a special event, he prefer the patrons be contained within the building.

F. Ramirez indicated that the alcohol is not permitted outside of the building. All special events no matter how many approved, still require staff's review and approval.

K. Rogers clarified that ABC does not allow for the beer to be outside of the building at any given time. The special events that would take place would be a musical band or a group to showcase local talent performing within the building. The outside event may include food trucks in the parking lot and the attendees would bring the food back into the building.

F. Ramirez indicated that condition #6 clearly identifies language for live entertainment and condition #10 identifies the number warnings before revocation proceeding would take place.

### **Commission Discussion**

A. Durham stated that he doesn't have any concerns with approving the project; he doesn't see it as a place to go and get drunk.

Y. Mejia stated that her biggest concern would be safety; she indicated that this would be a unique opportunity for our city.

K. Beaulieu stated that he is putting a lot of responsibility on the operators to maintain a safe and professional environment. He stated that he is excited about the project.

T. Haupt stated that the business should respect the neighbors and their needs. He stated he would like to see the brewery be approved.

Subsequent to discussion Commissioner Y. Mejia moved to approve CUP 2013-11 with friendly amendments. Seconded by Vice-chair A. Durham, the motion carried with the following vote:

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

#### **STAFF COMMUNICATIONS**

F. Ramirez informed the commission that the Housing Element was approved and adopted by the City Council and forwarded to the Housing and Community Development Department.

#### **COMMISSION COMMENTS**

K. Beaulieu asked if there was any new information regarding 1500 Glenoaks blvd.

T. Haupt asked about WSS and their amended proposal.

#### **PUBLIC STATEMENTS**

None

#### **ADJOURNMENT**

Chairperson T. Haupt moved to adjourn to March 4, 2014. Second by Commissioner K. Beaulieu, the motion carried with the following vote:

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

8:51 P.M.  
Fred Ramirez  
Planning Commission Secretary

**MEETING DATE:** May 6, 2014

**PUBLIC HEARING:**

1. CHAIRPERSON TO OPEN THE ITEM AND REQUEST STAFF REPORT
2. STAFF PRESENTS REPORT
3. COMMISSION QUESTIONS ON STAFF REPORT
4. OPEN FOR PUBLIC HEARING
5. CLOSE PUBLIC HEARING
6. PLANNING AND PRESERVATION COMMISSION DISCUSSION
7. RECOMMENDED ACTION:
  - (a) To Approve:  
“I move to approve Conditional Use Permit 2014-01 and the Modification of Variance 1995-02 to allow for the ancillary sale and on-site consumption of alcoholic beverages in conjunction with the operation of Carrillo’s Totilleria and approve a request to modify a reduction in the required minimum number of on-site parking spaces from 10 to 6 to now allow three of the on-site spaces to be designed in a tandem parking configuration, pursuant to Planning and Preservation Commission Resolution 2014-05 and the Conditions of Approval attached as exhibit “A” to the resolution (Attachment1).”
  - (b) To Deny:  
“I move to deny Conditional Use Permit 2014-01 and the proposed Modification of Variance 1995-02, based on the following ...” (Roll Call Vote)
  - (c) To Continue:  
“I move to continue consideration of Conditional Use Permit 2014-14 and the proposed Modification of Variance 1995-02, to a specific date...” (Roll Call Vote)

**PUBLIC HEARING:**

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

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

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

**Item 7A:**

**Conditional Use Permit 2014-01 and Modification of Variance  
1995-02**



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## PLANNING AND PRESERVATION COMMISSION STAFF REPORT

DATE: May 6, 2014

TO: SAN FERNANDO PLANNING AND PRESERVATION COMMISSION

FROM: Fred Ramirez, Community Development Director

SUBJECT: **Conditional Use Permit 2014-01 and Modification of Variance 1995-02**  
1242 Pico Street, San Fernando, CA 91340  
(Los Angeles County Assessor's Parcel No.: 2521-021-012)

PROPOSAL: The proposed project is a request for review and approval of a conditional use permit to allow an existing restaurant located at 1242 Pico Street (Carrillo's Tortilleria) to sell beer and wine for on-site and off-site consumption. Pursuant to Code Sections 106-176, et al., sale of beer and wine for on-site sale or off-site consumption requires the Planning and Preservation Commission's approval of a conditional use permit. The restaurant currently has a legal non-conforming entitlement to sell beer and wine for off-site consumption as the use was established at the C-2 (Commercial) zoned property as a permitted use prior to the City's 1985 Comprehensive zone code update (City Ordinance No. 1270; Adopted September 30, 1985). The 1985 zone code update required all future applicants seeking to sell alcoholic beverages for on-site or off-site consumption to obtain prior approval by the City's Planning and Preservation Commission of a conditional use permit. Furthermore, the Project includes a request to modify Variance 1995-02, which was previously approved by the City to allow a reduction in the required minimum number of on-site parking spaces from 10 to 6 (City Code Section 106-822(c)(2)). The current proposal would modify the existing variance to allow three of the six on-site parking spaces to be designed in a tandem parking configuration (City Code Section 106-832). The project site is an approximate 7,275 square foot lot improved with an approximate 5,066 square foot commercial building located at 1242 Pico Street; at the southeast corner of Pico Street and Kalisher Street within the City's C-2 (Commercial) zone.

APPLICANT: Janelle P. Williams, Williams Land Use Services (on behalf of Carrillo's Tortilleria), 2418 Honolulu Avenue, Unit B, Montrose, CA 91020

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### RECOMMENDATION:

Staff recommends that the Planning and Preservation Commission approve Conditional Use Permit 2014-01, to allow for the ancillary sale and the on-site and off-site consumption of alcoholic beverages in conjunction with the operation of Carrillo's Tortilleria, a bona fide public eating place located at 1242 Pico Street and approve a request to modify Variance 1995-02,

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which was previously approved to allow a reduction in the required minimum number of on-site parking spaces from ten (10) to six (6) to now allow three (3) of the on-site spaces to be designed in a tandem parking configuration, pursuant to Planning and Preservation Commission Resolution 2014-05 and the conditions of approval attached as Exhibit “A” to the resolution (Attachment 1).

## **PROJECT OVERVIEW:**

The project site at 1242 Pico Street is an approximate 7,500-square-foot lot (75 feet by 100 feet) located within the City’s C-2 (Commercial) zone. Records from the Los Angeles County Assessor’s Office indicate that the existing approximate 5,066 square-foot restaurant building was originally built in 1954 and more recently improved in 2001.

On July 16, 1984, a Type 20 (off-sale beer and wine license) was issued by the California Department of Alcohol and Beverage Control (ABC) for the subject site at 1242 Pico Street. The Type 20 ABC license allows for customers to buy beer and wine from the subject business and carry out said alcoholic beverages for off-site consumption. It was approved as a previously permitted/”by-right” use under the applicable zoning regulations for similarly zoned C-2 (Commercial) property at that time (1985 Zoning Code, Section 11, Subsection A(3); Ordinance No. 1270, September 30, 1985) and as of 1987 Zoned Code Amendment (Ordinance No. 1305, June 15, 1987), is considered a legally established use that does not conform to current zoning regulations (i.e., “legal non-conforming”). Carrillo’s Tortilleria currently operates as a bona fide public eating place facilitating the ongoing sale and off-site consumption of alcoholic beverages under the legal non-conforming entitlement.

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.)

On March 3, 1995 Epigmenio Luna, on behalf of Carrillo’s Tortilleria, submitted a variance application to allow for the construction of an approximate 1,742-square foot, two-story storage building addition to the existing restaurant with a reduction in the required parking for the project. The proposed storage room addition was to be located at the rear of the existing restaurant with an exterior dimension of 33.5 feet in width by 29 feet in depth. In addition, the first floor of the new storage building would provide a roll-up door to allow for on covered employee parking space within the building. In total, six (6) parking spaces were approved to be provided on-site, consisting of five (5) uncovered parking spaces with the parking lot and one (1) space within the new storage room addition, in lieu of the required 10 spaces for the project. In addition, the existing storage containers that were located on the subject property at the time were to be removed and replaced with the new storage building. Subsequent to this approval, a

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building permit was issued on August 15, 2001, for the construction of the new storage room addition.

As part of Planning Commission Resolution No. 1127 and the condition of approval for the project, Condition No. 1 requires the development of the project in accordance with the submitted plans approved by the Commission. In addition, Condition No. 3 requires that all on-site spaces be accessible and reserved for customer parking, with the exception of the one employee parking space that is to be provided within the storage room addition. Staff determined that the site is not developed in substantial conformance with the Planning Commission's approval of Variance 1995-02 (Planning Commission Resolution. It was further determined that if the applicant intended to proceed with the project without conforming to the approval issued by the Commission through Variance 1995-02, the applicant is required to request a modification of the existing variance from the Commission.

On September 10, 2012, the Community Development Department received a revised site plan associated with a requested conditional use permit for the sale and on-site and off-site consumption of alcohol beverages, specifically beer and wine. In review of the submitted site plan for the subject property, the plans showed that a total of four parking stall are provided on-site. In addition, the plan showed that the storage room building addition is built with an approximate rear setback distance of 16.5' feet instead of the required 20 feet approved by the Commission to allow for two-additional parking spaces within this area. Also, the required employee parking space with the storage room addition was no longer provided.

The primary pedestrian/customer entrance is located along Pico Street and the on-site parking facilities currently designed with up to six non-code compliant parking spaces is located at the rear of the property and is accessible by vehicles along an existing driveway approach on Kalisher Street. As site plan of the project site is provided as "Attachment 7" to this staff report. As proposed, the project requires a modification of the previously approved Variance 1995-02 in order to allow for three of the required six on-site parking spaces to be designed in a tandem parking configuration.

Over the period of the last year and a half, City planning staff has been working with the project applicant and business owner to address non-compliant issues with the existing parking configuration, verification of the availability of on-street parking to accommodate the demand attributed to the ongoing operation of the restaurant at the subject site, and assess any potential impacts that may arise from the sale of alcoholic beverages (beer and wine) via a Department of ABC-issued Type 41 License (On Sale Beer and Wine Eating Place) that would allow the restaurant to sell beer and wine for on-site or off-site consumption.

Based on the review of the requested Conditional Use Permit (CUP) 2014-01, it is City planning staff's assessment that the existing restaurant would qualify for the Commission's consideration of a CUP to allow for the ancillary sale and on-site and off-site consumption of alcoholic beverages. The City's zoning regulations outlining the development standards for the on-site or off-site consumption of alcoholic beverages requires that the existing restaurant is a bona fide public eating place with direct table service to patrons. Per City Code Section 106-179(c)(1),

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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.

Furthermore, it is City planning staff's assessment that the proposed changes to the parking layout to facilitate six on-site parking spaces that includes three of those parking spaces in a tandem parking configuration is also warranted. The new parking layout ensures all parking spaces are properly dimensioned, have the required back out area clearances, provide a handicap accessible parking space, and provide safe paths of travel for pedestrian as well as vehicular traffic on-site and adjacent to the subject property's driveway on Kalisher Street.

## **BACKGROUND:**

1. **General Plan Land Use and Zoning Designation:** The project site at 1242 Pico Street is located within the City's Commercial General Plan Land Use Designation and the C-2 (Commercial) zone.
  2. **Site Location and Description:** Carrillo's Tortilleria is a restaurant and delicatessen operated within an existing 5,066 square foot, single-tenant commercial building located at 1242 Pico Street. The subject property is an approximate 7,500 square foot property with street frontages along Pico Street (main pedestrian entrance) and Kalisher Street (on-site parking/service delivery entrance area). It is located on the 1200 block of Pico Street between Kalisher Street to the west and San Fernando Mission Boulevard to the east (Los Angeles County Assessor's Parcel No.: 2521-021-012). The project site is bounded by R-2 (Multiple Family Dwelling) zoned properties to the east and a similarly zoned C-2 (Commercial) zoned property is located directly south of the subject site on Kalisher Street. C-1 (Limited Commercial) zoned properties and SP-3 zoned properties are located to the west across Kalisher Street and SP-4 zoned properties are located directly north of the subject site across Pico Street.
  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, 2014, the public hearing notice was posted at two City Hall bulletins, the County Public Library bulletin, and at the project site. A notice was also published in the April 24, 2014, print and online legal advertisement section of the *Los Angeles Daily News* (Attachment 3). Public hearing notices were also mailed to all property owners of record within 500 feet of the property on April 24, 2014 (Attachment 4).
  5. **Public Comments:** As of the date of preparation of this staff report, no comments were received from the public regarding either the conditional use permit and/or variance
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modification request. Any comments received after the distribution of this report shall be read into the record at the public hearing.

## **ANALYSIS:**

1. **General Plan Consistency.** The requested CUP to allow for the ancillary sale and on-site and off-site consumption of alcoholic beverages 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 and off-site consumption of alcoholic beverages in conjunction with the operation of Carrillo's Tortilleria, 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 City's downtown central business district and neighboring commercial areas while also enhancing the dining experience for patrons of the subject business. Permitting the ability for Carrillo's Tortilleria as bona fide eating establishment/restaurant in the city's downtown and surrounding commercial areas to expand their business through the sale and on-site and off-site consumption of alcoholic beverages served alongside meals helps foster growth and goes toward creating a lively environment for within the city's downtown and surrounding commercial districts. Furthermore, approval of the proposed conditional use permit would result in the continued operation of Carrillo's Tortilleria restaurant and delicatessen, which has been a long standing business in the community and helped to create and maintain identity within the City's downtown and adjacent commercial districts that is distinct from surrounding communities.

2. **Zoning Consistency.** Pursuant to Section 106-516, the purpose of the C-2 (Commercial) zone is to establish "areas for commercial uses which offer a wide range of goods and services including facilities for shopping, convenience goods and services, professional offices and recreation for the community. It is intended to promote an environment which will encourage maximum efficiency of the commercial area with maximum protection for nearby property and property values by permitting only those uses which are necessary for the city..." Sections 106-517(1) and 106-518(1) provide for restaurants as permitted uses in the C-2 zone and the consideration of a CUP for the ancillary sale and on-site and off-site consumption of alcoholic beverages in conjunction with the operation of a bona fide eating establishment. The provisions in the C-2 zone notes that alcoholic beverages may be serviced though the review and approval of a CUP for on-site and off-site consumption ancillary to the operation of a sit-down restaurant with table service that is a "bona fide public eating place."
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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.”

The requested CUP to allow the ancillary sale and the on-site and off-site consumption of alcoholic beverages in conjunction with the operation of an existing bona fide public eating place would allow for Carrillo’s Tortilleria to provide services customary of other similar eating establishments. Permitting the ability for Carrillo’s Tortilleria to expand its business through the sale and the on-site and off-site consumption of alcoholic beverages in the form of continued carry out as well as expanding businesses services to allow for the serving of alcoholic beverages that are served alongside meals will help to foster growth and goes toward creating a lively environment for within the city’s commercial districts. Based on the foregoing, it is staff’s assessment that the request is consistent with all applicable development standards for the C-2 zone applicable to similar eating establishments.

3. **Parking.** Pursuant to City Code Section 106-822(c)(7), retail uses within the C-2 zone are required to provide one parking space for every 300 square feet of gross floor area. In total, the existing 5,066 square foot building, if newly constructed would require a total of 17 on-site parking spaces.

In 1995, the Planning Commission approved Variance 1995-02 allowing Carrillo’s Tortilleria, a restaurant and delicatessen to expand the overall building size without providing the then required minimum parking for the existing restaurant use of 10 on-site parking spaces. Per Planning Commission Resolution No. 1127, it was determined that “sufficient parking public parking was available within 200 feet of the facility” noting that Public Parking Lot No. 1 located at the southwest corner of San Fernando Mission Boulevard and Pico Street. The current request for a CUP and to modify the existing variance would not expand the square footage of the building nor increase the amount of area currently dedicated to the restaurant use. The purpose of the variance request to modify the previously City-approved site plan to accommodate six on-site parking spaces as originally approved with the required standard, compact, and handicap parking stall dimensions and vehicle drive aisles while allowing for three of the on-site parking spaces to be located in a tandem parking configuration.

As part of the review process, City planning staff requested that a Parking Demand Study (“the Study”) be conducted by the applicant along Pico Street between Kalisher Street and San Fernando Mission Boulevard, inclusive of the City Parking Lot No.1. The purpose of the Study was to determine whether sufficient public parking exists in the immediate vicinity of the project site accommodate customers to the subject restaurant at 1242 Pico Street. The Study was conducted from Sunday, May 5, 2013 through Saturday, May 11,

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2013 from the hours of 6:00 am and 6:00 pm. Based on the Study, it was determined that peak demand for on-street public parking occurs Sunday morning when nearly 92 percent of the parking is occupied at 6:00 am. The most number of available parking spaces available occurred on Mondays at 7:00 am. Overall, the average number of parking spaces that were available per day was 19 public parking spaces. It is staff's assessment that the average number of public parking spaces available in the Study area on Pico Street coupled with the six on-site parking spaces at the subject site are sufficient to accommodate any possible increased demand from patrons visiting Carrillo's Tortilleria. Therefore, staff recommends that the Commission approve the minor modification to the previously approved Variance 1995-02 to facilitate the ongoing operation of a restaurant at the subject site by modifying the applicable parking standards pursuant to City Code Section 106-832 subsections (a) and (b) in order to allow for the revised parking layout for six on-site parking spaces that includes three of these parking spaces in a tandem parking configuration. The City's variance findings are provided in Section 9 of this report.

4. **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.
5. **State Provisions for Issuance of Alcohol Licenses.** Pursuant to Business and Professions Code Section 23958, state law requires the California Department of Alcohol Beverage Control (ABC) to deny an alcohol license application if the proposed site is located within a census tract that has an "undue concentration" of licenses, unless certain exceptions apply. Undue concentration exists when:
  - a) The site is located in a crime reporting district that has a 20% greater number of reported crimes than the average number of reported crimes as compiled by the local Police Department during the most recent year;
  - b) As to "on-sale" retail license applications (for on-site consumption of alcoholic beverages): when the ratio of on-sale retail licenses to population in the census tract in which the proposed site is located exceeds the ratio of on-sale retail licenses to population in Los Angeles County; or
  - c) As to "off-sale" retail license applications (for off-site consumption of alcoholic beverages): when the ratio of off-sale retail licenses to population in the census tract in which the proposed site is located exceeds the ratio of off-sale retail licenses to population in Los Angeles County. (Business and Professions Code Section 23958.4(a)(1)-(3)).

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

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

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

A review of City and ABC records indicates that there are 12 on-sale alcohol outlets (one (1) on-sale alcohol outlet for every 579 residents) within Census Tract No. 3203. Per ABC, the current Los Angeles County ("County") ratio for on-sale licenses is 1 license for every 1,047 residents and the off-sale license is 1 license for every 1,537 residents. Per the State's Business and Professions Code Section 23958.4, Subsection (c)(5)(B), the Type 41 ABC license (On-sale Beer and Wine-Eating Place) being sought by Carrillo's Tortilleria is defined as an "on-sale retail license" that allows for the sale of beer and wine for both on-site or off-site consumption. Therefore, the existing City ratio of 1 license for every 579 is greater than the County ratio of 1,047 resulting in an undue concentration of on-sale licenses within Census Tract 3203 and would therefore not initially qualify for issuance of an alcohol permit with ABC.

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

- 1242 Pico Street (Carrillo's Tortilleria) had a total of six (6) calls for service between January 1, 2013 and March 31, 2014; all six being audible alarms. The dispatched police personnel witnessed no crimes and the business was secure. One of the six calls was accidentally triggered by an employee.
- 1242 Pico Street is in reporting District Area 3. During the same reporting period of January 1, 2013 and March 31, 2014 it was determined that 701 Part 1 crimes were reported of those 242 or 34.5 percent were reported District Area 3.
- Adjacent District Area 2 had 254 Part 1 Crimes reported or 36.2 percent of the total crimes.
- District Area 1 located to the north of Area 2 had the least Part 1 Crimes reported with 206 during the reporting period or approximately 29.3 percent of the total crimes.

Per State Business License and Professions Code Section 23958.4, Subsection (b)(2) and City Code Section 106-180, the project applicant on behalf of Carrillo's Tortilleria has requested that the City make a determination of public convenience or necessity in connection with the with the issuance of a license for the sale of alcoholic beverages by ABC. In order for the City to make the determination of public convenience or necessity the City's Planning and Preservation must consider the following:

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- (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;
- (2) The extent to which the proposed use enhances the convenience of purchasing alcoholic beverages in conjunction with other specialty food sales or services;
- (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;
- (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;
- (5) The extent to which the proposed use compliments uses in the surrounding area;
- (6) The extent to which the proposed use, location, and/or operator has a history or law enforcement problems;
- (7) The crime rate in the reporting district as compared to neighboring districts in the city and/or adjacent cities;
- (8) The number of alcohol-related police calls for service, crimes or arrests in the reporting district and adjacent districts within the city.

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 and neighboring commercial areas, 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 Carrillo's Tortilleria 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 8 of this report.

6. **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.

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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 and off-site consumption of alcoholic beverages (beer and wine) in conjunction with the operation of a bona fide public eating place pursuant to a Type 41 ABC license is a conditionally permitted use within the C-2 (Commercial) zone. Pursuant to Chapter 106 (Zoning), Section 106-517(1) and Subdivision II (On-site and Off-site Sale of Alcoholic Beverages), alcoholic beverages for the on-site and off-site consumption may be served subject to the review and approval of a conditional use permit for both the on-site consumption ancillary to the operation of a sit-down restaurant with table service that is a bona fide public eating place as well as ancillary carry out sales of alcoholic beverages with the same restaurant use subject to the Type 41 ABC License.

Carrillo's Tortilleria, the existing restaurant, is a bona fide public eating place that provides direct table service to patrons of an establishment that has been in operation for more than two decades. The restaurant currently operates with a Type 20 ABC license, which allows for the carry-out-sale of alcoholic beverages. There is currently a moratorium on the issuance of any new licenses of this type within San Fernando as well as within a large portion of Los Angeles County. The approval of the requested CUP would allow for the restaurant to expand their operation to offer alcoholic beverages with meals and maintain carry-out-sales of alcoholic beverages (beer and wine), as is customary with other similar types of bona fide public eating place by forfeiting the Type 20 ABC license and obtaining a Type 41 ABC license. 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.

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

Carrillo's Tortilleria is an existing approximate 5,066-square-foot restaurant located 1242 Pico Street in the C-2 (Commercial) zone, adjacent to the City's downtown area and Central Business District. As provided for in Section 106-516, the C-2 zone was "established to provide areas for commercial uses which offer a wide range of goods and services including facilities for shopping, convenience goods and services, professional offices and recreation for the community. It is intended to promote an environment which will encourage maximum efficiency of the commercial area with maximum protection for nearby property and property values by permitting only those uses which are necessary for the city..." Included within the purpose is the intent of the City to have downtown and adjacent commercial areas that create a lively center of the city where the community of San Fernando can come together. Collectively, the downtown and the supporting commercial uses such as the restaurant at the subject site will provide for locally serving retail shops and services, restaurants, civic and community meeting places and entertainment venues.

The requested CUP to allow the ancillary sale and the on-site and off-site consumption of alcoholic beverages (beer and wine) in conjunction with the operation of an existing bona fide public eating place would allow for Carrillo's Tortilleria to provide services customary of other similar eating establishments with a Type 41 ABC license in a manner that would not impair the integrity and character of C-2 zone. Permitting the ability for the subject restaurant in the C-2 zone to expand its business through the sale alcoholic beverages for off-site consumption via carry-out services and for on-site consumption alongside meals helps foster growth and goes toward creating a lively environment in a neighborhood serving restaurant that is similar and compatible to the retail and service based uses sought in C-2 zone, and the neighboring SP-4 zone and Central Business District areas of the City's downtown. Furthermore, to ensure the protection and preservation of the 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 the City to seek corrective action from the business owner and may lead to revocation of the required CUP. Therefore, the proposed sale alcoholic beverages (beer and wine) off-site (carry-out) and on-site consumption are ancillary and complimentary uses to the existing restaurant and would not impair the integrity and character of the City's surrounding residential neighborhood, the City's adjacent downtown and central business district areas (inclusive of the SP-4 Zone) or the intent and purpose of the C-2 zone in which the subject property is located. Thus, it is staff's assessment that this finding can be made.

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

Carrillo's Tortilleria will continue to operate within the existing 5,066 square foot commercial building located on an approximate 7,500 square foot lot in the C-2 zone. The restaurant use already established at the subject site, post approval of the CUP for the sale and the on-site and off-consumption of alcoholic beverages (beer and wine) in conjunction with the operation of a bona fide public eating place, is a permitted use in the C-2 zone. The C-2 zone encourages new locally serving new commercial and recreational entertainment opportunities at the subject site and similarly zoned properties.

The 7,500-square-foot project site and the existing 5,066-square-foot restaurant are physically suitable for the requested CUP for sale and on-site and off-site consumption of alcoholic beverage that would be served along with meals to patrons. The sale and consumption of alcoholic beverages (beer and wine) would be completely self-contained within the restaurant to prevent persons from consuming alcohol outside of the building and/or on-site parking facility. 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.**

Carrillo's Tortilleria restaurant and delicatessen is the existing and sole use of the 5,066-square-foot building and 7,500-square-foot site. The proposed CUP to allow for the ancillary sale of alcoholic beverages (beer and wine) for off-site consumption (carry-out) and for on-site consumption with the operation of a bona fide public eating place would be compatible with those services offered to patrons of similar restaurants within the City. Additionally, the proposed use would be ancillary and complimentary to the existing restaurant use creating additional amenities that enhance the eating experience of patrons to the subject restaurant. Furthermore, the proposed conditions of project approval are intended to mitigate any possible alcohol abuse and public nuisance issues that could arise without property safeguards regulating the sale of alcoholic beverages for similar land uses. Thus, it is staff's assessment that this finding can be made.

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

The C-2 zone and adjacent SP-4 zone and Central Business District include policies and strategies that are intended to help transform the City's commercial zones and downtown area into attractive, livable, and economically vital commercial districts. Within the C-2 zone, the establishment of locally serving retail stores, business and personal service shops, restaurants and other similar eating establishments are principally permitted and envisioned as the types of uses to be established in similarly zoned properties. As provided above, the restaurant use is a permitted use within the C-2 zone and the

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associated ancillary sale of alcoholic beverages (beer and wine) for on-site and off-site consumption in conjunction with the operation of a bona fide public eating place such as Carrillo's Tortilleria is a conditionally permitted use in the same zone, pursuant to City Code Sections 106-517(1) and 106-518(1), respectively.

The request to allow the sale of alcoholic beverages for off-site consumption (via carry-out) and the on-site consumption as an ancillary use to the operation of a bona fide public eating place would further augment the services that 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. Carrillo's Tortilleria is a locally serving, neighborhood restaurant that seeks to enhance the dining experience of its patrons, generate additional foot traffic to the subject site and help foster the location and the surrounding commercial and downtown areas as a destination center where the community can come together. Furthermore, the proposed CUP would facilitate the elimination of a Type 20 ABC license for the sale and off-site consumption only of alcoholic beverages which the subject site currently has under a legal non-conforming entitlement. Approval of proposed use would result in the replacement with a Type 41 ABC license with associated conditions of approval that is more appropriate for the intended future operation of the subject restaurant within the C-2 zone. Therefore, the requested CUP to allow for the ancillary sale of alcoholic beverages (beer and wine) for off-site consumption (carry out) and on-site consumption in conjunction with the operation of a bona fide public eating place would be compatible with the existing and future land uses within the C-2 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 prior construction of site and the most recent expansion that occurred in 2001 for the ongoing operation of Carrillo's Tortilleria. While no infrastructure and utility upgrades are necessary at this time to establish the sale of alcoholic beverages for off-site (carry out) and on-site consumption of alcoholic beverages as part of the restaurant, any future physical 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. As part of the entitlement processing, if approved, the project would facilitate a redesign of the existing on-site parking facility to accommodate six on-site parking spaces including three parking spaces in a tandem parking configuration. Thus, it is staff's assessment that this finding can be made.

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

Carrillo's Tortilleria, the existing sit-down restaurant, has adequate provisions for public access through a front, pedestrian entrance located along Pico Street and a parking lot area with vehicular access along Kalisher Street. 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 Pico Street or the secondary entrance along the rear of the property facing Kalisher Street via the on-site parking facility. Additional on-street public parking is available off of Pico Street and Public Parking Lot Nos. 1 and 3 located to the east of the subject site along San Fernando Mission Boulevard. Adequate vehicular access to the parking facility will be provided along redesigned driveway located on Kalisher Street. Thus, it is staff's assessment that this finding can be made in this case.

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

Within the C-2 zone, restaurants and similar eating establishments are permitted, with the ancillary sale of alcoholic beverages (beer and wine) for off-site consumption (carry out) and on-site consumption in association with the eating of meals at bona fide public eating place through the review and consideration of a conditional use permit. The requested CUP for the sale of alcoholic beverages for off-site and on-site consumption 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 that the C-2 zone allows. Approval of the CUP for sale of alcoholic beverages for off-site and on-site consumption as an ancillary use to a bona fide public establishment helps to encourage future development of the City's C-2 zone and is similar and complimentary to uses in the SP-4 Zone and Central Business District areas that make up the City's neighboring downtown. CUP approval at the subject site facilitates the expansion of services provided by restaurants in the C-2 zone and helps to draw new visitors to the adjacent downtown and central business district area, which in turn creates a lively commercial district of the city and further revitalize the City's core.

The requested CUP for sale of alcoholic beverages for off-site and on-site consumption in conjunction with operation of a bona fide public eating place would allow Carrillo's Tortilleria to augment its services by providing interested patrons the ability to order alcoholic beverages with their meal. The sale of alcoholic beverages for off-site consumption (carry out) and on-site consumption under the associated issuance of a Type 41 ABC license 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 commercial districts and downtown and has the

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potential to encourage future redevelopment of other similarly zoned properties. Therefore, the proposed CUP for the sale of alcoholic beverages for off-site and on-site consumption in conjunction with operation of 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 of alcoholic beverages for off-site and on-site consumption in conjunction with continued operation of Carrillo's Tortilleria, 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 continuing to promote the economic viability of the C-2 (Commercial) zone. Permitting the ability for a restaurant in the City's C-2 zone to expand its business through the sale of alcoholic beverages for off-site and on-site consumption in conjunction with operation of a bona fide public eating place helps foster growth and goes toward creating a lively environment within the City's C-2 zone and the adjacent SP-4 zone and Central Business District 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, "promote the economic viability of commercial areas" and "attract new commercial activities..." (San Fernando General Plan Land Use Element Goals and Objectives, Pg. IV-6.) Thus, it is staff's assessment that this finding can be made in this case.

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

The requested CUP to allow for the sale of alcoholic beverages for off-site and on-site consumption in conjunction with continued operation of Carrillo's Tortilleria, a bona fide public eating place would allow for the ongoing viability of a restaurant within the City's C-2 zone. With the adoption of the recommended conditions of approval for the requested alcohol CUP, Carrillo's Tortilleria would be required to provide sufficient safeguards to deter public nuisance issues and protect public interest, health, safety, convenience or welfare. Noncompliance with the conditions of approval for an approved CUP for the on-site and off-site sale of alcoholic beverages (beer and wine) in conjunction with operation of a bona fide public eating place 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.

**7. Supplemental Findings for On-sale CUPs.** In addition to those findings set forth in City Code Section 106-145, as discussed in Section 6 of this report, applications for conditional use permits involving any use that involves the sale, serving, and/or consumption of

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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 six (6) calls for service to Carrillo's Tortilleria between January 1, 2013 and March 31, 2014. All six calls for service were for triggered business alarms with one of the alarms calls resulting from an employee accidentally setting off the alarm system.

The subject property at 1242 Pico Street is in reporting District Area 3. During the same reporting period of January 1, 2013 and March 31, 2014 it was determined that 701 Part 1 crimes were reported throughout the City of which 242 or 34.5 percent were reported District Area 3. No calls for service from the subject property at 1242 Pico Street were alcohol related.

The requested conditional use permit to allow for the sale of alcoholic beverages for off-site and on-site consumption in conjunction with continued operation of Carrillo's Tortilleria, a 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 of approval would address potential public nuisance issues attributed to crime, noise, loitering and other disturbances that may be associated with the sale of alcohol at the subject property located at 1242 Pico Street. 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, Carrillo's Tortilleria, a bona fide public eating place, would augment the services they provide by offering the sale of alcoholic beverages for off-site and on-site consumption as an ancillary use to the existing restaurant. Alcoholic beverages would be offered for sale off-consumption to patrons via carry out (off-sale) and for on-site consumption with a meal (on-sale). All business activity related to alcohol sales would be limited to the restaurant and sales floor area of the existing 5,066-square-foot commercial building at 1242 Pico Street. Failure to address any future 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 adjacent to residential and commercial land uses, the existing restaurant proposed sale

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of alcoholic beverages (beer and wine) for off-site consumption (carry out) and on-site consumption in conjunction with the eating of a meal is not expected to have an impact on the existing land uses because it would be fully contained within the commercial building's eating and sales floor area. 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 for off-site and on-site consumption pursuant to a Type 41 ABC license 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/restaurants like Carrillo's Tortilleria are exempt from distance separation requirements that would otherwise apply to businesses seeking a CUP for either the on-site sale or off-sale and consumption of alcoholic beverages. Thus, it is staff's assessment that this finding can be made in this case.

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

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

A review of City and ABC records indicates that there are 12 on-sale alcohol outlets (one (1) on-sale alcohol outlet for every 579 residents) within Census Tract No. 3203. Per ABC, the current Los Angeles County ("County") ratio for on-sale licenses is 1 license for every 1,047 residents and the off-sale license is 1 license for every 1,537 residents. Per the State's Business and Professions Code Section 23958.4, Subsection (c)(5)(B), the Type 41 ABC license (On-sale Beer and Wine-Eating Place) being sought by Carrillo's Tortilleria is defined as an "on-sale retail license" that allows for the sale of beer and wine for both on-site or off-site consumption. Therefore, the existing City ratio of 1 license for every 579 is greater than the County ratio of 1,047 resulting in an undue concentration of on-sale licenses within Census Tract 3203 and would therefore not initially qualify for issuance of an alcohol permit with ABC.

Per State Business License and Professions Code Section 23958.4, Subsection (b)(2) and City Code Section 106-180, the project applicant on behalf of Carrillo's Tortilleria has requested that the City make a determination of public convenience or necessity in

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connection with the with the issuance of a license for the sale of alcoholic beverages by ABC.

It is staff's assessment that the requested conditional use permit to allow for the sale of alcoholic beverages for off-site and on-site consumption in conjunction with continued operation of Carrillo's Tortilleria, a bona fide public eating place, with the adoption of the recommended conditions of approval will serve a public convenience and necessity by providing for expanded restaurant services that serve the local neighborhood and community and provide support services via this niche services as both a restaurant and delicatessen that serve specialty Latino foods that help draw additional patrons to the location and the adjacent downtown and central business district areas. Approval of the proposed sale of alcoholic beverages for off-site and on-site consumption in conjunction with the operation of a bona fide public eating place will also result in the elimination of an existing Type 20 ABC license in lieu of a new Type 41 ABC license for a restaurant, further cementing the restaurant as a primary use at the subject site and enhancing the site and surrounding C-2 and SP-4 zoning districts as economically viable destinations 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.

8. **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 approving the said request and associated CUP, 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 City's C-2 zone and General Land Use Element have been developed to include purpose, goals, and objectives that allow the City to review and approve by right and with conditions uses such as restaurants with the sale of alcoholic beverages for on-site and off-site consumption in conjunction with the operation of a bona fide public eating place such as Carrillo's Tortilleria in order to help revitalize and encourage investment within the city's primary commercial districts including the C-2 and SP-4 zones, and the City's Central Business District and downtown areas. Approval of the proposed sale of alcoholic beverages (beer and wine) at the subject property at 1242 Pico Street facilitates expanded services to patrons of the business, but also has a spillover effect to attract new visitors to the adjacent SP-4 zone, which includes the City's downtown and Central Business District areas. The purpose of the C-2 zone is to help foster new retail and service, recreational entertainment uses that can create a focal point of

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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 3203, the tract that Carrillo's Tortilleria is located in has a total of 24 active alcohol licenses. Of these, 11 are for on-site sales and include two clubs/lodges, one banquet hall, two bars, and six restaurants. There are also 13 active licenses for off-site sales (i.e., Type 20 and 21 ABC licenses), which also includes the current Type 20 ABC license held by Carrillo's Tortilleria for carry out sales of alcoholic beverages (beer and wine). 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 C-2 zone in particular, that is not currently filled by other existing businesses with similar alcoholic beverage licenses in the surrounding area and corresponding Census Tract 3203. 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;**

Carrillo's Tortilleria, 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 C-2 zone and neighboring SP-4 zone, inclusive of the City's downtown and Central Business District areas. Providing for the sale of alcoholic beverages (beer and wine) for off-site consumption via carry out and on-site consumption as an ancillary use to the existing restaurant would enhance the dining experience for patrons and the convenience of purchasing alcoholic beverages in conjunction with other specialty foods. Therefore, approval of an on-sale permit alcohol to sell 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;**

Carrillo's Tortilleria, the existing restaurant business at the subject site would allow for the continued economic viability of the commercial building, consistent with similar commercial uses within the City's C-2 (Commercial) zone and the adjacent SP-4 zone that includes the City's downtown and Central Business District areas. While no specific modification to the existing building, the site will be further enhanced with a redesigned on-site parking facility with code compliant standard, compact and handicap parking spaces; improved on-site and perimeter lighting; secured trash and storage facilities; an updated driveway; and, new pedestrian and

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vehicular paths of travel. The issuance of the requested permit to allow for the sale of alcoholic beverages (beer and wine) for off-site and on-site in association with the ongoing operation of 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 commercial districts including the C-2 zone where the project site is located and the adjacent SP-4 zones that includes the downtown and central business district areas. The proposed use at the subject site that has an existing neighborhood serving restaurant would result in 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 off-site 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 (existing and new hires) of Carrillo's Tortilleria 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.**

Carrillo's Tortilleria restaurant and delicatessen located at 1242 Pico Street has been in operation for over two decades and is considered by some in the community as a local institution in the community serving the dining needs of patrons during that period. Carrillo's Tortilleria complements other existing eating establishments in the adjacent SP-4 zone, which includes the City's downtown and Central Business District areas. In addition, the development standards of C-2 (Commercial) zone in which the subject site is located allow for the operation of bona fide public eating places and the consideration for sales alcoholic beverages for off-site and/or on-site consumption as an ancillary use to a restaurant subject to the City's approval of a conditional use permit. The requested conditional use permit for the sale of alcoholic beverages (beer and wine) for off-site (carry out) and on-site consumption as an ancillary use to the operation of a bona fide eating place, will complement existing uses in the C-2 zone and the adjacent SP-4 zone by promoting the new uses in combination with the

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existing restaurant use that enhance the dining experience of patrons and have the potential to draw additional consumers/visitors to the site and the adjacent downtown and Central Business District areas. 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 Crime Report Area that the project site is located in. Carrillo's Tortilleria is located at 1242 Pico Street in the City's C-2 zone and is located within the San Fernando Police Department's Crime Report Area No. 3. Crime Reporting Area No. 3 encompasses all of the City of San Fernando south of the existing Southern Pacific Railroad right-of-way between Hubbard Avenue to the west, Fox Street to the east, and O'Melveny Street to the south.

In review of the Police Department data from January 1, 2013 to March 31, 2014, the existing restaurant or the current operator was not reported to have any history of law enforcement problems. A total of six (6) service calls were reported to have occurred for Carrillo's Tortilleria during that reporting period with all six calls related to a triggered alarm. One of the six calls was accidentally triggered by an employee.

Therefore, the requested CUP to allow for the sale of alcoholic beverages (beer and wine) for off-site consumption (carry out) and on-site consumption 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 identifies United States Census Tract 3203 as one complete reporting area, referred to as Police Department Crime Reporting Area No. 3. Crime Reporting Area No. 3 encompasses all of the City of San Fernando south of the existing Southern Pacific Railroad right-of-way between Hubbard Avenue to the west, Fox Street to the east, and O'Melveny Street to the south. Based on the San Fernando Police Department Crime Reporting Area No. 3 from January 1, 2013 through March 31, 2014, 34.5 percent of all incidents reported were generated from Area No. 3.

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This rate is proportional with the other two crime report areas (i.e., Areas 1 and 2) that make up the City. It is anticipated that approval of the requested CUP to allow for the sale and off-site 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 six (6) calls for service to the subject property during the January 1, 2013 through March 31, 2014 reporting period were for alcohol related incidents. Additionally, the Police Department notes that no arrests have been made from subject site during the reporting period. It is not anticipated that the requested CUP to allow for the sale and the off-site and on-site consumption of alcoholic beverages as an ancillary use to the existing bona fide public eating place at 1242 Pico Street (Carrillo's Tortilleria) would increase the number alcohol-related service calls, with the implementation of the recommended conditions of approval for the project.

The primary use would remain that of a bona fide public eating place with the addition of the ancillary alcoholic beverage sales for on-site and off-site consumption per a new CUP. Alcoholic beverages would be offered to patrons of the sit-down restaurant with the order of a meal as well as for off-site consumption as a carry out purchase. 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.

- 9. Variance.** A variance is a discretionary permit issued by the Planning and Preservation Commission allowing a property owner to deviate from a development standard or to build a structure not otherwise permitted under the applicable development standards. The statutory justification for a variance is that the owner would otherwise suffer a unique hardship under the general zoning regulations because the particular parcel is different from the others to which the regulation applies due to its size, shape, topography, location and/or surroundings.

A variance is subject to discretionary review and allows the Commission the opportunity to assess the proposal's consistency with the city's general plan policies, goals and objectives, zoning development standards, and design guidelines. This process provides for a review of the quality of site design and building layout, and of compatibility of the proposed development within its immediate surroundings.

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Conditions imposed on the applicant through the discretionary review process may call for any measures that are reasonably related to the project. This principal is applied in the form of seven findings of fact that the Commission must consider in making its decision. All findings must be justified and upheld in the affirmative for approval of the variance. A negative determination on any single finding will uphold a denial.

If the Planning and Preservation Commission concurs with staff's assessment, it would be the Commission's determination that the findings for approval of the variance could be made in this instance based on the aforementioned discussion, and as explained below.

- a) **There are special circumstances or exceptional characteristics applicable to the property involved, including size, shape, topography, location, or surroundings such that strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.**

The project site at 1242 Pico Street is an approximate 7,500-square-foot lot that is currently improved with a 5,066-square-foot commercial building within the City's C-2 (Commercial) zone. Recently renovated in 2001 pursuant to City approval of Variance 1995-02, the proposed modification of the existing parking layout to provide six (6) on-site parking spaces including three (3) parking spaces located in a tandem parking configuration are intended to allow for the ongoing operation of the existing restaurant use as previously entitled but providing the required, code compliant parking stall sizes, minimum number of spaces, proper internal vehicle drive aisle and back out clearance within a limited parking area that is further reduced by the existing lot configuration and building footprint. The requested modification to the existing variance to allow for three tandem parking spaces would facilitate additional investment into the business through the site improvements to the on-site parking lot and improvements to the adjacent public right-of-way via the removal and relocation of driveway aprons and new sidewalk upgrades.

Due to the size of the lot, strict application of development standards in this instance would require a major reduction in the existing building area to offset the existing parking shortfall and the placement of on-site parking spaces in a manner that complies with all of the City's parking lot design standards and thereby significantly impact the ongoing operation of the restaurant at the subject site

As a result, there are special circumstances or exceptional characteristics applicable to the property involved relating the size of the property and the existing location of commercial building that impair the ability to improve the existing on-site parking facility in order to comply with the City's parking requirements. Therefore, based on this physical characteristics of the project site, strict application of the zoning ordinance and the development standards applicable to commercial property in the C-2 zone will deprive the subject property of privileges enjoyed by neighboring properties

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and other properties in the vicinity, including those properties under the identical zoning classification. Thus, it is staff's assessment that this finding can be made.

- b) The granting of such variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zone in which the property is located.**

The granting of the requested variance to allow for three (3) of the required six (6) on-site parking spaces to be constructed in a tandem parking configuration at 1242 Pico Street with all associated on-site and off-site improvements would not be detrimental to the public interest, safety, health or welfare as the planned improvements and on-site parking layout would allow for the project to comply with City's parking requirements as they pertain to minimum parking stall dimensions, required vehicle drive aisles and back out areas and improve the aesthetic character of the site's commercial street frontage along Kalisher Street. Additionally, the proposed project and requested variances would not be detrimental or injurious to the property or improvements in the same vicinity and zone as the project, as the proposed improvements to building site as a result of the proposed improvements to the on-site parking facility located along the Kalisher Street. Thus, it is staff's assessment that this finding can be made.

- c) The granting of such variance will not be contrary to or in conflict with the general purposes and intent of the zoning ordinance, nor to the goals and programs of the General Plan.**

The goals and objectives of the San Fernando General Plan Land Use Element seek to promote the economic viability of commercial areas and attract new commercial activities within the City. (San Fernando General Plan Land Use Element Goals and Objectives I-V, Pg. IV-6.)

The requested modification to City-approved Variance 1995-02 to allow for three (3) of the required (6) on-site parking spaces to be constructed in a tandem parking configuration would facilitate the planned improvements to the project site and allow for the project to comply with a larger number the City's parking regulations as they relate to minimum parking stall dimensions, vehicular drive aisle and back out requirements, and improved off-site improvements to the adjacent public right-of-way. The requested variances will facilitate the planned parking lot improvements, while promoting the economic viability of commercial areas and new commercial activities at the site through expanded access to on-site parking facilities. In addition, investment in this commercial property has the potential effect of encouraging additional investment to neighboring commercial properties within the SP-4 zone, which includes the downtown and large portions of the Central Business District areas. Thus, it is staff's assessment that this finding can be made.

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**d) The variance request is consistent with the purpose and intent of the zone in which the site is located.**

The purpose of the City's C-2 zone is to establish areas for commercial uses, which offer opportunities for retail and service uses (City Code Section 106-516). The existing restaurant with on-site parking facility at 1242 Pico Street is a long standing, permitted use within the C-2 zone pursuant to City Code Section 106-517(1) and consistent with the purpose of the zone. The requested variances to allow for three (3) tandem parking spaces within the existing on-site parking facility and the associated improvements to incorporate said parking spaces would improve parking accessibility and safety within parking lot area consistent with the previously approved Variance 1995-02. The planned improvements would ensure the continued use of the subject property with commercial uses and an improved design the parking area that is more consistent with the City's parking lot design regulations. Thus, it is staff's assessment that this finding can be made.

**e) The subject site is physically suitable for the proposed variance.**

The subject property at 1242 Pico Street is a corner property located on the easterly corner of Pico Street and Kalisher Street. The site is fairly level, with no steep or severe changes in grade level. The requested variance to allow for three (3) of the six (6) required on-site parking spaces to be constructed in a tandem parking configuration could be accommodate under the revised parking layout at the subject property improving pedestrian and vehicular safety within the on-site parking facility. The revised parking layout will provide sufficient lot area to physically accommodate the necessary vehicular area required for use as a parking lot with six (6) parking spaces. As such, the subject property at 1242 Pico Street is physically suitable for the proposed modification to Variance 1995-02 to allow for three on-site tandem parking spaces. Thus, it is staff's assessment that this finding can be made.

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

The existing commercial building, along with the existing on-site parking lot area that is proposed to be improved through the approval of the variance request would continue to be adequately served by existing water, sanitation and public utilities services that are currently developed for the subject property. The project would be required to improve the existing parking facility in compliance with the site plan reviewed and approved by the Planning Commission on May 6, 2014 and make any necessary upgrades to the perimeter fencing and building façade as noted the project's conditions of approval included as Exhibit "A" to Planning Commission Resolution No. 2014-05. Furthermore, the project would be developed in compliance all applicable City building codes and any additional requirements from the Public Works Department. The requested variances to allow for three (3) tandem parking stalls

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within an existing six (6) vehicle on-site parking facility would not impair the ability of the project site to provide adequate provisions for water, sanitation and public utilities and services. Furthermore, the requested variances and the project, as proposed, would ensure that the project would not be detrimental to public health and safety as it relates to ongoing maintenance of the commercial building and on-site parking facility. Thus, it is staff's assessment that this finding can be made.

**g) There will be adequate provisions for public access to service the property which is the subject of the variance.**

The project site at 1242 Pico Street would provide adequate provisions for public access to service the subject property with the proposed building and site improvements to be developed through the project's implementation. The building would retain its primary entrance along Pico Street and the existing on-site parking facility located along Kalisher Street would be upgraded to provide the required drive aisle and back out space for vehicles as well as expanding the size of the driveway apron to provide for two-access from Kalisher Street. Additionally, as part of the required off-site improvements, broken, damaged, and deteriorated portions of the sidewalk adjacent to the project site along Pico Street and Kalisher Street would be replaced, improving pedestrian safety along the project site. 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 to allow for the sale of alcoholic beverages for off-site and on-site consumption in conjunction with continued operation of Carrillo's Tortilleria, 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 continuing to promote the economic viability of restaurant in a manner consistent with the General Plan Land Use Element's goals and objectives and the development standards and design guidelines for the C-2 (Commercial) zone.

Based on the above findings, City planning staff recommends that the Planning and Preservation Commission: (1) Approve Conditional Use Permit 2014-01, to allow for the sale of alcoholic beverages (beer and wine) under a Type 41 ABC license for the off-site and on-site consumption as an ancillary use to the existing bona fide public eating place, Carrillo's Tortilleria; and, (2) Approve Modification of Variance 1995-01 to allow for the redesign of the existing on-site parking lot to include three (3) of the six (6) on-site parking spaces as tandem parking, pursuant to Planning and Preservation Commission Resolution 2014-05 (Attachment 1) and the Conditions of Approval for the project attached as Exhibit "A" to said resolution.

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**ATTACHMENTS (7):**

1. Planning and Preservation Commission Resolution 2014-05 and Exhibit “A”: Conditions of Approval
  2. Planning Commission Resolution 1127 and Exhibit “A”: Conditions of Approval
  3. Parking Demand Study
  4. Mailed Notice of Public Hearing
  5. Zoning and Vicinity Map
  6. Project Key Map and Project Site Photos
  7. Site Plan and Floor Plan
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**ATTACHMENT 1:**

**Planning and Preservation Commission  
Resolution 2014-05 and  
Exhibit “A”: Conditions of Approval**

## RESOLUTION NO. 2014-05

**A RESOLUTION OF THE PLANNING AND PRESERVATION COMMISSION OF THE CITY OF SAN FERNANDO APPROVING CONDITIONAL USE PERMIT 2014-01 TO ALLOW FOR THE SALE OF ALCOHOLIC BEVERAGES (BEER AND WINE) FOR ON-SITE AND OFF-SITE CONSUMPTION AS AN ANCILLARY USE TO AN BONA FIDE PUBLIC EATING PLACE, CARRILLO'S TORTILLERIA AND MODIFICATION OF VARIANCE 1995-02 TO ALLOW FOR THREE TANDEM PARKING SPACES WITHIN AN EXISTING ON-SITE PARKING FACILITY FOR THE SAME RESTAURANT LOCATED AT 1242 PICO STREET WITHIN THE C-2 COMMERCIAL ZONE.**

WHEREAS, an application has been filed by Janelle P. Williams to request review and approval of a conditional use permit to allow for the sale of alcoholic beverages (beer and wine) for off-site consumption (carry out) and on-site consumption in conjunction with the operation of Carrillo's Tortilleria, a bona fide public eating place at 1242 Pico Street. The restaurant occupies an approximate 5,066-square-foot commercial building on an existing 7,500-square-foot lot within the C-2 (Commercial) zone;

WHEREAS, the applicant has requested approval of a conditional use permit pursuant to City Code Chapter 106 (Zoning), Section 106-517(1) and Subdivision II (On-site and Off-site Sale of Alcoholic Beverages), to allow for the sale and on-site consumption of alcoholic beverages (Type 41 License – Beer and Wine Only) as an ancillary use to the existing bona fide public eating place;

WHEREAS, on April 4, 1995, the City's Planning Commission approved Variance 1995-02 allowing the expansion of the existing restaurant and delicatessen, Carrillo's Tortilleria at 1242 Pico Street while providing only six (6) of the city-code required ten (10) on-site parking spaces, pursuant to Planning Commission Resolution No. 1127 and the Conditions of Approval attached therein as Exhibit "A".

WHEREAS, the project applicant for the current Conditional Use Permit 2014-01 to allow for the sale of alcoholic beverages for off-site and on-site consumption in conjunction with the continued operation of a bona fide public eating place, Carrillo's Tortilleria has also requested a modification to the existing Variance 1995-02 to allow for a redesign of the existing on-site parking lot facility to accommodate three (3) of the six (6) City-required on-site parking spaces to be constructed in a tandem parking configuration for the subject site at 1242 Pico Street located within the C-2 (Commercial) zone;

WHEREAS, the Planning and Preservation Commission has considered all of the evidence presented in connection with the request for Conditional Use Permit 2014-01 and Modification of Variance 1995-02 ("the Project"), written and oral at the public hearing held on the 6th day of May 2014.

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

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

**SECTION 3:** The Planning and Preservation Commission finds that the request for approval of the Project, inclusive of Conditional Use Permit 2014-01 and Modification of Variance 1995-02 is warranted pursuant to City Code Section 106-176 et al. and Section 106-822(c)(2), to allow for the sale to allow for the sale of alcoholic beverages (beer and wine) for off-site consumption (carry out) and on-site consumption in conjunction with the operation of Carrillo's Tortilleria, a bona fide public eating place at 1242 Pico Street and a modification of on-site parking requirements to allow for three (3) of the six (6) on-site parking spaces to be constructed in a tandem parking configuration, which would allow for new uses, on-site and off-site improvements associated with upgrades to the existing parking lot in a manner consistent with the applicable City code requirements for the sale of alcoholic beverages for on-site and off-site consumption and the applicable development standards for parking lot design in a manner compatible with the surrounding commercial and residential land uses.

**SECTION 4:** Pursuant to City Code Section 106-145, the Planning and Preservation Commission finds that the following findings for Conditional Use Permit 2014-01 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 and off-site consumption of alcoholic beverages (beer and wine) in conjunction with the operation of a bona fide public eating place pursuant to a Type 41 ABC license is a conditionally permitted use within the C-2 (Commercial) zone. Pursuant to Chapter 106 (Zoning), Section 106-517(1) and Subdivision II (On-site and Off-site Sale of Alcoholic Beverages), alcoholic beverages for the on-site and off-site consumption may be served subject to the review and approval of a conditional use permit for both the on-site consumption ancillary to the operation of a sit-down restaurant with table service that is a bona fide public eating place as well as ancillary carry out sales of alcoholic beverages with the same restaurant use subject to the Type 41 ABC License.

Carrillo's Tortilleria, the existing restaurant, is a bona fide public eating place that provides direct table service to patrons of an establishment that has been in operation for more than two decades. The restaurant currently operates with a Type 20 ABC license, which allows for the carry-out-sale of alcoholic beverages. There is currently a moratorium on the issuance of any new licenses of this type within San Fernando as well as within a large portion of Los Angeles County. The approval of the requested CUP would allow for the restaurant to expand their operation to offer alcoholic beverages with meals and maintain carry-out-sales of alcoholic beverages (beer and wine), as is customary with other similar types of bona fide public eating place by forfeiting the Type 20 ABC

license and obtaining a Type 41 ABC license. 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.**

Carrillo's Tortilleria is an existing approximate 5,066-square-foot restaurant located 1242 Pico Street in the C-2 (Commercial) zone, adjacent to the City's downtown area and Central Business District. As provided for in Section 106-516, the C-2 zone was "established to provide areas for commercial uses which offer a wide range of goods and services including facilities for shopping, convenience goods and services, professional offices and recreation for the community. It is intended to promote an environment which will encourage maximum efficiency of the commercial area with maximum protection for nearby property and property values by permitting only those uses which are necessary for the city..." Included within the purpose is the intent of the City to have downtown and adjacent commercial areas that create a lively center of the city where the community of San Fernando can come together. Collectively, the downtown and the supporting commercial uses such as the restaurant at the subject site will provide for locally serving retail shops and services, restaurants, civic and community meeting places and entertainment venues.

The requested CUP to allow the ancillary sale and the on-site and off-site consumption of alcoholic beverages (beer and wine) in conjunction with the operation of an existing bona fide public eating place would allow for Carrillo's Tortilleria to provide services customary of other similar eating establishments with a Type 41 ABC license in a manner that would not impair the integrity and character of C-2 zone. Permitting the ability for the subject restaurant in the C-2 zone to expand its business through the sale alcoholic beverages for off-site consumption via carry-out services and for on-site consumption alongside meals helps foster growth and goes toward creating a lively environment in a neighborhood serving restaurant that is similar and compatible to the retail and service based uses sought in C-2 zone, and the neighboring SP-4 zone and Central Business District areas of the City's downtown. Furthermore, to ensure the protection and preservation of the 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 the City to seek corrective action from the business owner and may lead to revocation of the required CUP. Therefore, the proposed sale alcoholic beverages (beer and wine) off-site (carry-out) and on-site consumption are ancillary and complimentary uses to the existing restaurant and would not impair the integrity and character of the City's surrounding residential neighborhood, the City's adjacent downtown and central business district areas (inclusive of the SP-4 Zone) or the intent and purpose of the C-2 zone in which the subject property is located. 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.**

Carrillo's Tortilleria will continue to operate within the existing 5,066 square foot commercial building located on an approximate 7,500 square foot lot in the C-2 zone. The restaurant use already established at the subject site, post approval of the CUP for the sale and the on-site and off-consumption of alcoholic beverages (beer and wine) in conjunction with the operation of a bona fide public eating place, is a permitted use in the C-2 zone. The C-2 zone encourages new locally serving new commercial and recreational entertainment opportunities at the subject site and similarly zoned properties.

The 7,500-square-foot project site and the existing 5,066-square-foot restaurant are physically suitable for the requested CUP for sale and on-site and off-site consumption of alcoholic beverage that would be served along with meals to patrons. The sale and consumption of alcoholic beverages (beer and wine) would be completely self-contained within the restaurant to prevent persons from consuming alcohol outside of the building and/or on-site parking facility. 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.**

Carrillo's Tortilleria restaurant and delicatessen is the existing and sole use of the 5,066-square-foot building and 7,500-square-foot site. The proposed CUP to allow for the ancillary sale of alcoholic beverages (beer and wine) for off-site consumption (carry-out) and for on-site consumption with the operation of a bona fide public eating place would be compatible with those services offered to patrons of similar restaurants within the City. Additionally, the proposed use would be ancillary and complimentary to the existing restaurant use creating additional amenities that enhance the eating experience of patrons to the subject restaurant. Furthermore, the proposed conditions of project approval are intended to mitigate any possible alcohol abuse and public nuisance issues that could arise without property safeguards regulating the sale of alcoholic beverages for similar land uses. 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.**

The C-2 zone and adjacent SP-4 zone and Central Business District include policies and strategies that are intended to help transform the City's commercial zones and downtown area into attractive, livable, and economically vital commercial districts. Within the C-2 zone, the establishment of locally serving retail stores, business and personal service shops, restaurants and other similar eating establishments are principally permitted and envisioned as the types of uses to be established in similarly zoned properties. As provided above, the restaurant use is a permitted use within the C-2 zone and the associated ancillary sale of alcoholic beverages (beer and wine) for on-site and off-site consumption in conjunction with the operation of a bona fide public eating place such as Carrillo's Tortilleria is a conditionally permitted use in the same zone, pursuant to City Code Sections 106-517(1) and 106-518(1), respectively.

The request to allow the sale of alcoholic beverages for off-site consumption (via carry-out) and the

on-site consumption as an ancillary use to the operation of a bona fide public eating place would further augment the services that 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. Carrillo's Tortilleria is a locally serving, neighborhood restaurant that seeks to enhance the dining experience of its patrons, generate additional foot traffic to the subject site and help foster the location and the surrounding commercial and downtown areas as a destination center where the community can come together. Furthermore, the proposed CUP would facilitate the elimination of a Type 20 ABC license for the sale and off-site consumption only of alcoholic beverages which the subject site currently has under a legal non-conforming entitlement. Approval of proposed use would result in the replacement with a Type 41 ABC license with associated conditions of approval that is more appropriate for the intended future operation of the subject restaurant within the C-2 zone. Therefore, the requested CUP to allow for the ancillary sale of alcoholic beverages (beer and wine) for off-site consumption (carry out) and on-site consumption in conjunction with the operation of a bona fide public eating place would be compatible with the existing and future land uses within the C-2 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 prior construction of site and the most recent expansion that occurred in 2001 for the ongoing operation of Carrillo's Tortilleria. While no infrastructure and utility upgrades are necessary at this time to establish the sale of alcoholic beverages for off-site (carry out) and on-site consumption of alcoholic beverages as part of the restaurant, any future physical 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. As part of the entitlement processing, if approved, the project would facilitate a redesign of the existing on-site parking facility to accommodate six on-site parking spaces including three parking spaces in a tandem parking configuration. 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.**

Carrillo's Tortilleria, the existing sit-down restaurant, has adequate provisions for public access through a front, pedestrian entrance located along Pico Street and a parking lot area with vehicular access along Kalisher Street. 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 Pico Street or the secondary entrance along the rear of the property facing Kalisher Street via the on-site parking facility. Additional on-street public parking is available off of Pico Street and Public Parking Lot Nos. 1 and 3 located to the east of the subject site along San Fernando Mission Boulevard. Adequate vehicular access to the parking facility will be provided along redesigned driveway located on Kalisher Street. 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 C-2 zone, restaurants and similar eating establishments are permitted, with the ancillary sale of alcoholic beverages (beer and wine) for off-site consumption (carry out) and on-site consumption in association with the eating of meals at bona fide public eating place through the review and consideration of a conditional use permit. The requested CUP for the sale of alcoholic beverages for off-site and on-site consumption 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 that the C-2 zone allows. Approval of the CUP for sale of alcoholic beverages for off-site and on-site consumption as an ancillary use to a bona fide public establishment helps to encourage future development of the City's C-2 zone and is similar and complimentary to uses in the SP-4 Zone and Central Business District areas that make up the City's neighboring downtown. CUP approval at the subject site facilitates the expansion of services provided by restaurants in the C-2 zone and helps to draw new visitors to the adjacent downtown and central business district area, which in turn creates a lively commercial district of the city and further revitalize the City's core.

The requested CUP for sale of alcoholic beverages for off-site and on-site consumption in conjunction with operation of a bona fide public eating place would allow Carrillo's Tortilleria to augment its services by providing interested patrons the ability to order alcoholic beverages with their meal. The sale of alcoholic beverages for off-site consumption (carry out) and on-site consumption under the associated issuance of a Type 41 ABC license 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 commercial districts and downtown and has the potential to encourage future redevelopment of other similarly zoned properties. Therefore, the proposed CUP for the sale of alcoholic beverages for off-site and on-site consumption in conjunction with operation of 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 of alcoholic beverages for off-site and on-site consumption in conjunction with continued operation of Carrillo's Tortilleria, 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 continuing to promote the economic viability of the C-2 (Commercial) zone. Permitting the ability for a restaurant in the City's C-2 zone to expand its business through the sale of alcoholic beverages for off-site and on-site consumption in conjunction with operation of a bona fide public eating place helps foster growth and goes toward creating a lively environment within the City's C-2 zone and the adjacent SP-4 zone and Central Business District 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, “promote the economic viability of commercial areas” and “attract new commercial activities...” (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 of alcoholic beverages for off-site and on-site consumption in conjunction with continued operation of Carrillo’s Tortilleria, a bona fide public eating place would allow for the ongoing viability of a restaurant within the City’s C-2 zone. With the adoption of the recommended conditions of approval for the requested alcohol CUP, Carrillo’s Tortilleria would be required to provide sufficient safeguards to deter public nuisance issues and protect public interest, health, safety, convenience or welfare. Noncompliance with the conditions of approval for an approved CUP for the on-site and off-site sale of alcoholic beverages (beer and wine) in conjunction with operation of a bona fide public eating place 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 6: 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 six (6) calls for service to Carrillo’s Tortilleria between January 1, 2013 and March 31, 2014. All six calls for service were for triggered business alarms with one of the alarms calls resulting from an employee accidentally setting off the alarm system.

The subject property at 1242 Pico Street is in reporting District Area 3. During the same reporting period of January 1, 2013 and March 31, 2014 it was determined that 701 Part 1 crimes were reported throughout the City of which 242 or 34.5 percent were reported District Area 3. No calls for service from the subject property at 1242 Pico Street were alcohol related.

The requested conditional use permit to allow for the sale of alcoholic beverages for off-site and on-site consumption in conjunction with continued operation of Carrillo’s Tortilleria, a 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 of approval would address potential public nuisance issues attributed to crime, noise, loitering and other disturbances that may be associated with the sale of alcohol at the subject property located at 1242 Pico Street. 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, Carrillo's Tortilleria, a bona fide public eating place, would augment the services they provide by offering the sale of alcoholic beverages for off-site and on-site consumption as an ancillary use to the existing restaurant. Alcoholic beverages would be offered for sale off-consumption to patrons via carry out (off-sale) and for on-site consumption with a meal (on-sale). All business activity related to alcohol sales would be limited to the restaurant and sales floor area of the existing 5,066-square-foot commercial building at 1242 Pico Street. Failure to address any future 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 adjacent to residential and commercial land uses, the existing restaurant proposed sale of alcoholic beverages (beer and wine) for off-site consumption (carry out) and on-site consumption in conjunction with the eating of a meal is not expected to have an impact on the existing land uses because it would be fully contained within the commercial building's eating and sales floor area. 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 for off-site and on-site consumption pursuant to a Type 41 ABC license 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/restaurants like Carrillo's Tortilleria are exempt from distance separation requirements that would otherwise apply to businesses seeking a CUP for either the on-site sale or off-sale and consumption of alcoholic beverages. Thus, it is 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.**

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

A review of City and ABC records indicates that there are 12 on-sale alcohol outlets (one (1) on-sale alcohol outlet for every 579 residents) within Census Tract No. 3203. Per ABC, the current Los Angeles County (“County”) ratio for on-sale licenses is 1 license for every 1,047 residents and the off-sale license is 1 license for every 1,537 residents. Per the State’s Business and Professions Code Section 23958.4, Subsection (c)(5)(B), the Type 41 ABC license (On-sale Beer and Wine-Eating Place) being sought by Carrillo’s Tortilleria is defined as an “on-sale retail license” that allows for the sale of beer and wine for both on-site or off-site consumption. Therefore, the existing City ratio of 1 license for every 579 is greater than the County ratio of 1,047 resulting in an undue concentration of on-sale licenses within Census Tract 3203 and would therefore not initially qualify for issuance of an alcohol permit with ABC.

Per State Business License and Professions Code Section 23958.4, Subsection (b)(2) and City Code Section 106-180, the project applicant on behalf of Carrillo’s Tortilleria has requested that the City make a determination of public convenience or necessity in connection with the with the issuance of a license for the sale of alcoholic beverages by ABC.

It is staff’s assessment that the requested conditional use permit to allow for the sale of alcoholic beverages for off-site and on-site consumption in conjunction with continued operation of Carrillo’s Tortilleria, a bona fide public eating place, with the adoption of the recommended conditions of approval will serve a public convenience and necessity by providing for expanded restaurant services that serve the local neighborhood and community and provide support services via this niche services as both a restaurant and delicatessen that serve specialty Latino foods that help draw additional patrons to the location and the adjacent downtown and central business district areas. Approval of the proposed sale of alcoholic beverages for off-site and on-site consumption in conjunction with the operation of a bona fide public eating place will also result in the elimination of an existing Type 20 ABC license in lieu of a new Type 41 ABC license for a restaurant, further cementing the restaurant as a primary use at the subject site and enhancing the site and surrounding C-2 and SP-4 zoning districts as economically viable destinations 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 7:** 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 City’s C-2 zone and General Land Use Element have been developed to include purpose, goals, and objectives that allow the City to review and approve by right and with conditions uses such as restaurants with the sale of alcoholic beverages for on-site and off-site consumption in conjunction with the operation of a bona fide public eating place such as Carrillo’s Tortilleria in order to help

revitalize and encourage investment within the city's primary commercial districts including the C-2 and SP-4 zones, and the City's Central Business District and downtown areas. Approval of the proposed sale of alcoholic beverages (beer and wine) at the subject property at 1242 Pico Street facilitates expanded services to patrons of the business, but also has a spillover effect to attract new visitors to the adjacent SP-4 zone, which includes the City's downtown and Central Business District areas. The purpose of the C-2 zone is to help foster new retail and service, recreational entertainment uses that can create 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 3203, the tract that Carrillo's Tortilleria is located in has a total of 24 active alcohol licenses. Of these, 11 are for on-site sales and include two clubs/lodges, one banquet hall, two bars, and six restaurants. There are also 13 active licenses for off-site sales (i.e., Type 20 and 21 ABC licenses), which also includes the current Type 20 ABC license held by Carrillo's Tortilleria for carry out sales of alcoholic beverages (beer and wine). 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 C-2 zone in particular, that is not currently filled by other existing businesses with similar alcoholic beverage licenses in the surrounding area and corresponding Census Tract 3203. 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;**

Carrillo's Tortilleria, 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 C-2 zone and neighboring SP-4 zone, inclusive of the City's downtown and Central Business District areas. Providing for the sale of alcoholic beverages (beer and wine) for off-site consumption via carry out and on-site consumption as an ancillary use to the existing restaurant would enhance the dining experience for patrons and the convenience of purchasing alcoholic beverages in conjunction with other specialty foods. Therefore, approval of an on-sale permit alcohol to sell 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;**

Carrillo's Tortilleria, the existing restaurant business at the subject site would allow for the continued economic viability of the commercial building, consistent with similar commercial uses within the City's C-2 (Commercial) zone and the adjacent SP-4 zone that includes the City's downtown and Central Business District areas. While no specific modification to the existing building, the site will be further enhanced with a redesigned on-site parking facility with code compliant standard, compact and handicap parking spaces; improved on-site and perimeter lighting; secured trash and storage facilities; an updated driveway; and, new pedestrian and vehicular paths

of travel. The issuance of the requested permit to allow for the sale of alcoholic beverages (beer and wine) for off-site and on-site in association with the ongoing operation of 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 commercial districts including the C-2 zone where the project site is located and the adjacent SP-4 zones that includes the downtown and central business district areas. The proposed use at the subject site that has an existing neighborhood serving restaurant would result in 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 off-site 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 (existing and new hires) of Carrillo's Tortilleria 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.**

Carrillo's Tortilleria restaurant and delicatessen located at 1242 Pico Street has been in operation for over two decades and is considered by some in the community as a local institution in the community serving the dining needs of patrons during that period. Carrillo's Tortilleria complements other existing eating establishments in the adjacent SP-4 zone, which includes the City's downtown and Central Business District areas. In addition, the development standards of C-2 (Commercial) zone in which the subject site is located allow for the operation of bona fide public eating places and the consideration for sales alcoholic beverages for off-site and/or on-site consumption as an ancillary use to a restaurant subject to the City's approval of a conditional use permit. The requested conditional use permit for the sale of alcoholic beverages (beer and wine) for off-site (carry out) and on-site consumption as an ancillary use to the operation of a bona fide eating place, will complement existing uses in the C-2 zone and the adjacent SP-4 zone by promoting the new uses in combination with the existing restaurant use that enhance the dining experience of patrons and have the potential to draw additional consumers/visitors to the site and the adjacent downtown and Central Business District areas. 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 Crime Report Area that the project site is located in. Carrillo's Tortilleria is located at 1242 Pico Street in the City's C-2 zone and is located within the San Fernando Police Department's Crime Report Area No. 3. Crime Reporting Area No. 3 encompasses all of the City of San Fernando south of the existing Southern Pacific Railroad right-of-way between Hubbard Avenue to the west, Fox Street to the east, and O'Melveny Street to the south.

In review of the Police Department data from January 1, 2013 to March 31, 2014, the existing restaurant or the current operator was not reported to have any history of law enforcement problems. A total of six (6) service calls were reported to have occurred for Carrillo's Tortilleria during that reporting period with all six calls related to a triggered alarm. One of the six calls was accidentally triggered by an employee.

Therefore, the requested CUP to allow for the sale of alcoholic beverages (beer and wine) for off-site consumption (carry out) and on-site consumption 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 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 identifies United States Census Tract 3203 as one complete reporting area, referred to as Police Department Crime Reporting Area No. 3. Crime Reporting Area No. 3 encompasses all of the City of San Fernando south of the existing Southern Pacific Railroad right-of-way between Hubbard Avenue to the west, Fox Street to the east, and O'Melveny Street to the south. Based on the San Fernando Police Department Crime Reporting Area No. 3 from January 1, 2013 through March 31, 2014, 34.5 percent of all incidents reported were generated from Area No. 3.

This rate is proportional with the other two crime report areas (i.e., Areas 1 and 2) that make up the City. It is anticipated that approval of the requested CUP to allow for the sale and off-site 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 six (6) calls for service to the subject property during the January 1, 2013 through March 31, 2014 reporting period were for alcohol related incidents. Additionally, the Police Department notes that no arrests have been made from subject site during the reporting period. It is not anticipated that the requested CUP to allow for the sale and the off-site and on-site consumption of alcoholic beverages as an ancillary use to the existing bona fide public eating place at 1242 Pico Street (Carrillo's Tortilleria) would increase the number alcohol-related service calls, with the implementation of the recommended conditions of approval for the project.

The primary use would remain that of a bona fide public eating place with the addition of the ancillary alcoholic beverage sales for on-site and off-site consumption per a new CUP. Alcoholic beverages would be offered to patrons of the sit-down restaurant with the order of a meal as well as for off-site consumption as a carry out purchase. 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.

**SECTION 8:** Pursuant to City Code Section 106-295, the Planning and Preservation Commission finds that the following findings for Modification of Variance 1995-02, to allow for the modification of the existing on-site parking lot to accommodate three (3) of the City-required six (6) on-site parking spaces in a tandem parking configuration for the property located at 1242 Pico Street have been justified and upheld in the affirmative. The Planning and Preservation Commission finds are as follows:

- 1) There are special circumstances or exceptional characteristics applicable to the property involved, including size, shape, topography, location, or surroundings such that strict application of the zoning ordinance deprives such property of privileges, enjoyed by other property in the vicinity and under the identical zoning classification.**

The project site at 1242 Pico Street is an approximate 7,500-square-foot lot that is currently improved with a 5,066-square-foot commercial building within the City's C-2 (Commercial) zone. Recently renovated in 2001 pursuant to City approval of Variance 1995-02, the proposed modification of the existing parking layout to provide six (6) on-site parking spaces including three (3) parking spaces located in a tandem parking configuration are intended to allow for the ongoing operation of the existing restaurant use as previously entitled but providing the required, code compliant parking stall sizes, minimum number of spaces, proper internal vehicle drive aisle and back out clearance within a limited parking area that is further reduced by the existing lot configuration and building footprint. The requested modification to the existing variance to allow for three tandem parking spaces would facilitate additional investment into the business through the site improvements to the on-site parking lot and improvements to the adjacent public right-of-way via the removal and relocation of driveway aprons and new sidewalk upgrades.

Due to the size of the lot, strict application of development standards in this instance would require a major reduction in the existing building area to offset the existing parking shortfall and the



placement of on-site parking spaces in a manner that complies with all of the City's parking lot design standards and thereby significantly impact the ongoing operation of the restaurant at the subject site

As a result, there are special circumstances or exceptional characteristics applicable to the property involved relating the size of the property and the existing location of commercial building that impair the ability to improve the existing on-site parking facility in order to comply with the City's parking requirements. Therefore, based on this physical characteristics of the project site, strict application of the zoning ordinance and the development standards applicable to commercial property in the C-2 zone will deprive the subject property of privileges enjoyed by neighboring properties and other properties in the vicinity, including those properties under the identical zoning classification. Thus, it is the Commission's determination that this finding can be made in this case.

**2) The granting of such variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zone in which the property is located.**

The granting of the requested variance to allow for three (3) of the required six (6) on-site parking spaces to be constructed in a tandem parking configuration at 1242 Pico Street with all associated on-site and off-site improvements would not be detrimental to the public interest, safety, health or welfare as the planned improvements and on-site parking layout would allow for the project to comply with City's parking requirements as they pertain to minimum parking stall dimensions, required vehicle drive aisles and back out areas and improve the aesthetic character of the site's commercial street frontage along Kalisher Street. Additionally, the proposed project and requested variances would not be detrimental or injurious to the property or improvements in the same vicinity and zone as the project, as the proposed improvements to building site as a result of the proposed improvements to the on-site parking facility located along the Kalisher Street. Thus, it is the Commission's determination that this finding can be made in this case.

**3) The granting of such variance will not be contrary to or in conflict with the general purposes and intent of the zoning ordinance, nor to the goals and programs of the General Plan.**

The goals and objectives of the San Fernando General Plan Land Use Element seek to promote the economic viability of commercial areas and attract new commercial activities within the City. (San Fernando General Plan Land Use Element Goals and Objectives I-V, Pg. IV-6.)

The requested modification to City-approved Variance 1995-02 to allow for three (3) of the required (6) on-site parking spaces to be constructed in a tandem parking configuration would facilitate the planned improvements to the project site and allow for the project to comply with a larger number the City's parking regulations as they relate to minimum parking stall dimensions, vehicular drive aisle and back out requirements, and improved off-site improvements to the adjacent public right-of-way. The requested variances will facilitate the planned parking lot improvements, while promoting the economic viability of commercial areas and new commercial activities at the site through expanded access to on-site parking facilities. In addition, investment in this commercial property has the potential effect of encouraging additional investment to neighboring commercial properties within the SP-4 zone, which includes the downtown and large

portions of the Central Business District areas. Thus, it is the Commission's determination that this finding can be made in this case.

**4) The variance request is consistent with the purpose and intent of the zone in which the site is located.**

The purpose of the City's C-2 zone is to establish areas for commercial uses, which offer opportunities for retail and service uses (City Code Section 106-516). The existing restaurant with on-site parking facility at 1242 Pico Street is a long standing, permitted use within the C-2 zone pursuant to City Code Section 106-517(1) and consistent with the purpose of the zone. The requested variances to allow for three (3) tandem parking spaces within the existing on-site parking facility and the associated improvements to incorporate said parking spaces would improve parking accessibility and safety within parking lot area consistent with the previously approved Variance 1995-02. The planned improvements would ensure the continued use of the subject property with commercial uses and an improved design the parking area that is more consistent with the City's parking lot design regulations. Thus, it is the Commission's determination that this finding can be made in this case.

**5) The subject site is physically suitable for the proposed variance.**

The subject property at 1242 Pico Street is a corner property located on the easterly corner of Pico Street and Kalisher Street. The site is fairly level, with no steep or severe changes in grade level. The requested variance to allow for three (3) of the six (6) required on-site parking spaces to be constructed in a tandem parking configuration could be accommodate under the revised parking layout at the subject property improving pedestrian and vehicular safety within the on-site parking facility. The revised parking layout will provide sufficient lot area to physically accommodate the necessary vehicular area required for use as a parking lot with six (6) parking spaces. As such, the subject property at 1242 Pico Street is physically suitable for the proposed modification to Variance 1995-02 to allow for three on-site tandem parking spaces. Thus, it is the Commission's determination that this finding can be made in this case.

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

The existing commercial building, along with the existing on-site parking lot area that is proposed to be improved through the approval of the variance request would continue to be adequately served by existing water, sanitation and public utilities services that are currently developed for the subject property. The project would be required to improve the existing parking facility in compliance with the site plan reviewed and approved by the Planning Commission on May 6, 2014 and make any necessary upgrades to the perimeter fencing and building façade as noted the project's conditions of approval included as Exhibit "A" to Planning Commission Resolution No. 2014-05. Furthermore, the project would be developed in compliance all applicable City building codes and any additional requirements from the Public Works Department. The requested variances to allow for three (3) tandem parking stalls within an existing six (6) vehicle on-site parking facility would not impair the ability of the project site to provide adequate provisions for water, sanitation and public utilities and services. Furthermore, the requested variances and the project, as proposed, would ensure that the

project would not be detrimental to public health and safety as it relates to ongoing maintenance of the commercial building and on-site parking facility. Thus, it is the Commission's determination that this finding can be made in this case.

**7) There will be adequate provisions for public access to service the property which is the subject of the variance.**

The project site at 1242 Pico Street would provide adequate provisions for public access to service the subject property with the proposed building and site improvements to be developed through the project's implementation. The building would retain its primary entrance along Pico Street and the existing on-site parking facility located along Kalisher Street would be upgraded to provide the required drive aisle and back out space for vehicles as well as expanding the size of the driveway apron to provide for two-access from Kalisher Street. Additionally, as part of the required off-site improvements, broken, damaged, and deteriorated portions of the sidewalk adjacent to the project site along Pico Street and Kalisher Street would be replaced, improving pedestrian safety along the project site. 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 2014-01 and Modification of Variance 1995-02, subject to the conditions of approval attached as Exhibit "A".

PASSED, APPROVED AND ADOPTED this 6th day of May 2014.

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THEALE E. HAUPT, CHAIRPERSON

ATTEST:

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FRED RAMIREZ, SECRETARY TO THE PLANNING  
AND PRESERVATION COMMISSION

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

I, FRED RAMIREZ, Secretary to the Planning and Preservation Commission of the City of San Fernando, do hereby certify that the foregoing Resolution was duly adopted by the Planning and Preservation Commission and signed by the Chairperson of said City at a meeting held on the 6th day of May 2014; and that the same was passed by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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FRED RAMIREZ, SECRETARY TO THE PLANNING AND  
PRESERVATION COMMISSION

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

**PROJECT NO.** : **Conditional Use Permit 2014-01 & Modification of Variance 1995-02**

**PROJECT ADDRESS** : 1242 Pico Street, San Fernando, CA 91340  
Los Angeles County Assessor’s Parcel No.: 2521-021-012

**PROJECT DESCRIPTION** : The Project is a request for review and approval of a conditional use permit to allow an existing restaurant located at 1242 Pico Street (Carrillo’s Tortilleria) to sell beer and wine for on-site and off-site consumption. Furthermore, the Project includes a request to modify Variance 1995-02, which was previously approved by the City to allow a reduction in the required minimum number of on-site parking spaces from 10 to 6 (City Code Section 106-822(c)(2)). The approved Project modifies the existing variance to allow three of the six on-site parking spaces to be designed in a tandem parking configuration (City Code Section 106-832). The Project site is an approximate 7,275 square foot lot improved with an approximate 5,066 square foot commercial building located at 1242 Pico Street; at the southeast corner of Pico Street and Kalisher Street within the City’s C-2 (Commercial) 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 6, 2014, except as herein modified to comply with these Conditions of Approval.
2. Variance Entitlement. Modification of Variance 1995-02 is granted for the land described in this application and pursuant to the floor and site plan as reviewed by the Planning and Preservation Commission on May 6, 2014, except as herein modified to comply with these Conditions of Approval.
3. Incidental Use. The conditional use permit is granted for the “incidental” sale of alcoholic beverages (beer and wine) for off-site consumption (carry out) and on-site sale, purchase, and/or consumption of alcoholic beverages in conjunction with the operation of a bona fide public eating place, Carrillo’s Tortilleria at 1242 Pico Street. The sale of alcoholic beverages shall be “incidental to the sale of other products” as defined in City Code Section 106-177 (Definitions). Proof satisfactory to the chief planning official shall be annually submitted to show that the sale of alcohol has remained incidental to sale of other products. The applicant shall comply with all requirements of the California Department of Alcoholic Beverage Control (ABC).
4. Licensing. The Planning and Preservation Commission’s approval of this conditional use permit shall permit the applicant to apply for a “Type 41 License” (On-Sale Beer and Wine – Eating Place

(Restaurant)) with ABC. A Type 41 License shall authorize the sale of beer and wine for consumption on-site and off-site of the premises where said alcoholic beverage is sold. Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). Additionally, the business is required to operate and maintain the licensed premises as a bona fide eating place, with suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises.

If the applicant desires to apply for a “Type 47 License” (On-Sale General – Eating Place (Restaurant)) with ABC in the future to allow for the sale and on-site consumption of distilled spirits, along with beer and wine, in conjunction with the operation of the bona fide public eating place, the applicant shall make a written request to the city for approval of such license. The request shall be reviewed by the Community Development Department and a letter of approval from the chief planning official or their designee shall be issued if the request complies with all applicable approvals issued by the Commission. A request for any other type of alcohol license shall require review and approval by the Planning and Preservation Commission through the filing of a conditional use permit to amend this entitlement.

5. Alcoholic Consumption Limitation. The operator of the restaurant shall comply with all the applicable city provisions for the on-site sale and on-site and off-site 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 sales for off-site and on-site consumption of alcoholic beverages shall within 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. In addition, loitering in the public right-of-way area, parking area, and/or in front of adjacent properties is prohibited.
6. Minimum Age to Serve Alcohol. Employees of the restaurant that are 21 years of age or older are permitted to serve alcoholic beverages to patrons dining at the establishment. No employee that is less than 21 years of age shall engage in the preparation or service of alcoholic beverages.
7. 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 and off-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. 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;
  - c. 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;

- d. Loitering in the public right-of-way, parking area and in front of adjacent properties is prohibited. For purposes of this entitlement, loitering shall mean the act of an individual or group of individuals of remaining in a particular place within the vicinity of the business for a protracted time, without directly conducting any business activity and causing the disruption of peace and enjoyment of the public at the site.
- e. 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 and illumination shall not include low or high pressure sodium lighting;
- 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.
8. Hours of Operation. The sale of alcoholic beverages can only be sold during hours that meals are being served between the hours of 6:00 A.M. to 8:00 P.M. Monday through Saturday and between 6:00 A.M. and 5:00 P.M. on Sunday. No alcoholic beverages can be sold prior to the hour of 10 A.M. The operator of the restaurant will be responsible for requiring that there be no loitering on the site at any time and that all customers shall leave the site no later than 30 minutes after closing. The doors to the establishment shall remain closed except upon entering and exiting the business. Changes in the hours of operation to allow for the sale and off-site consumption (carry out) and on-site consumption of alcoholic beverages beyond the hours provided above shall be subject to review and approval by the Planning and Preservation Commission.
9. Department of Alcoholic Beverages Control (ABC) Training. All employees who serve or sell alcoholic beverages shall successfully complete a responsible beverage service training program that meets the requirements of the ABC. All employees shall complete any applicable training required by ABC and obtain all required certifications within 30 days from the date of employment. Records of such training shall be maintained on the premises and made available to the police department personnel upon request.
10. Site Improvements. The following site improvements shall be incorporated in the required site improvements:
- a) The existing barb-wire shall be removed. Any future increases in overall fence height shall be reviewed and approved by the Community Development Department as part of fence application for a building permit.
  - b) The existing building shall be repainted.
  - c) The exterior security, wrought iron style sliding door shall be removed and an alternate roll up security door and/or scissor-style gate shall be installed on the inside of the building to provide the required security door/gate.
  - d) All security bars over the existing windows on Pico Street shall also be removed and building façade repaired; alternate security bars/equipment may be installed on the interior of building.



11. Signage. Windows shall comply with the city's sign regulations in order to provide clear and unobstructed view of the cash register and sales area from Pico Street.
12. 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.
13. 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.
14. 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.

15. 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.
16. Property Maintenance. The subject site and its immediate surrounding area shall be maintained in a clean, neat and orderly manner at all times and shall comply with the property maintenance standards as set forth in the San Fernando City Code.
17. Graffiti Removal. The property owner(s), operator and all successors shall comply with the graffiti removal and deterrence requirements of the San Fernando City Code. The property owner(s), operator and all successors shall provide for the immediate removal of any graffiti vandalism occurring on the property and, where applicable, the restoration of the surface on which the graffiti exists. Such restoration shall entail repainting or refinishing of the surface with a color or finish that matches the color or finish of the remaining portions of the structure being painted, and including treatment of the surface or site with measures to deter future graffiti vandalism as approved or required by the community development department. Unless removed by the property owner or their designee within the specified time frame required by city code, property owner(s), operator and all successors shall grant the right of access to authorized agents of the City of San Fernando to remove graffiti from any surface on the property that is open and accessible from city property or public right-of-way, at the expense of the owner(s) or operator and all successors.
18. Site Inspections. The community development department shall 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.
19. Modifications. Unless the chief planning official deems a proposed change to the approved plans and operation a minor modification, any and all other modifications to the development plan, including these conditions of approval, shall require review and approval by the Planning and Preservation Commission. Expansion or enlargement of the business premises over the life of the structure or the use shall be subject to the CUP modification approval process.
20. Acceptance. Within thirty (30) days of approval of 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.

21. Recordation. The applicant shall provide the community development department with proof that the conditions of approval have been recorded with the Los Angeles Registrar Recorder/County Clerk's Office.
22. Public Review of Conditions of Approval. A copy of these conditions of approval shall be retained on-site at all times during the hours of operation of the restaurant and shall be made available for viewing upon public request or upon request by any city official and representative of ABC. Employees of the restaurant shall not prohibit a request of the public to view the conditions of approval for this entitlement.
23. Expiration. This conditional use permit shall become null and void unless exercised by initiating substantive action to implement the operation permitted by this entitlement within twelve (12) months of final approval; or until such additional time as may be granted by the community development department upon receipt of a request for an extension received prior to such expiration date. Subsequent failure to obtain and exercise an active business occupancy permit shall also cause expiration of the conditional use permit.

**CITY OF SAN FERNANDO PUBLIC WORKS DEPARTMENT**  
**DEVELOPMENT / IMPROVEMENT REVIEW CHECK LIST**  
**PROJECT: CUP 2011-05                      Alcohol Beverage Permit                      DATE: 11/15/11**

PROJECT ADDRESS: <u>1242 Pico Street</u>					
ITEM		REQUIRE?		COMPLIED?	COMMENTS
		YES	NO		
1.	Site plan must show:				
	a. Existing building or structure	✓			
	b. Existing public improvements (concrete sidewalk driveways, curbs and gutters, parkway trees, street lights, hydrants, etc.) including existing and proposed dimensions, square footage, etc.	✓			
	c. Existing utilities (gas, sewer, water, storm drains, catch basins, power poles).	✓			
2.	Submit offsite improvement plan.	✓			
3.	Prior to issuance of building permit:				
	a Pay sewer capital facility charge.		✓		
	b Pay water capital facility charge.		✓		
	c Pay water service installation charge.		✓		
	d Pay fire service installation deposit.		✓		
	e Pay fire hydrant installation deposit.		✓		
	f Pay plan check fee (Offsite).		✓		
	g Pay inspection fee (Offsite).	✓			
	h Provide labor and material bond.		✓		
	i Provide performance bond.		✓		
4.	Is there existing sewer house connection to property?	✓			
5.	Is there existing water service to the property?	✓			
6.	Provide separate water service for each building or separate ownership.		✓		
7.	Provide separate sewer connection for each building.		✓		
8.	Underground all utilities to each unit/building.		✓		
9.	Cap off existing sewer connection that will no longer be used.		✓		
10.	Replace existing old and substandard water service.		✓		
11.	Upgrade existing substandard hydrant to 6-inch wet barrel hydrant (4"X 2.5" outlet).		✓		
12.	Install new hydrant per City standard.		✓		
13.	Satisfy City of Los Angeles Fire Dept. fire flow requirements.	✓			
14.	Provide City approved backflow device for the domestic water service and/or landscape irrigation, and provide proof that said equipment has been tested by a certified tester.	✓			
15.	Remove existing driveway approach that will no longer be used. Replace depressed curb.		✓		

**PROJECT ADDRESS:** 1242 Pico Street

ITEM		REQUIRE?		COMPLIED?	COMMENTS
		YES	NO		
16.	Construct PCC driveway approach 6-inch thick per City Standard.		✓		
17.	Construct wheel chair ramp per City Standard.		✓		
18.	Remove and replace broken/damaged/deteriorated concrete sidewalk adjacent to property.	✓			Approximately 75 s.f.
19.	Remove and replace broken curb/gutter adjacent to property.		✓		
20.	Plant parkway trees per City Standard and City Master Tree Plan.		✓		
21.	Construct tree wells per City Standard with tree grates.		✓		
22.	A permit from the Public Works Dept. (Engineering Division) is required for all offsite improvements.	✓			
23.	All on-site pavement shall be minimum of 3-inch AC on 4 inch CAB or 6-inch PCC pavement without soil recommendation.		✓		
24.	Construct trash enclosure, nominal size 5 feet X 9 feet with PCC slab and 6-inch PCC curb with 6-inch PCC apron.		✓		
25.	Verify that clarifier/grease trap intercepts effluent before entry into the sewer lateral.		✓		
26.	Federal NPDES Requirements				
	a. Submit SWPPP Owners's Certification (form OC1 attached) that incorporates construction BMP's in compliance with Federal NPDES.	✓			
	b. Provide a SUSMP that incorporates design elements and facility BMP's in compliance with Federal NPDES.		✓		
27.	Comply with all applicable existing conditions of approval for the proposed development.	✓			
28.	Additional requirements:				

  
PUBLIC WORKS DEPARTMENT

11/15/11  
DATE

**ATTACHMENT 2:**

**Planning Commission Resolution 1127  
and  
Exhibit “A”: Conditions of Approval**

RESOLUTION NO. 1127

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF SAN FERNANDO, CALIFORNIA  
APPROVING VARIANCE 1995-02 FOR  
EXPANSION OF A DELICATESSEN/RESTAURANT  
LOCATED AT 1242 PICO STREET AT KALISHER STREET

WHEREAS, Carrillo's Tortilleria, (the Applicant") has file an application with the City pursuant to Sections 30.760 et seq. of the Zoning Code for a Variance for expansion of a delicatessen/restaurant (the "Project"), located at 1242 Pico Street at Kalisher Street; and

WHEREAS, notice of a public hearing of the Planning Commission of the City of San Fernando to consider the requested Variance was given in accordance with applicable law and Zoning Code Sections 30.762, 30.790 et seq.); and

WHEREAS, on April 4, 1995, a public hearing on the requested Variance was held by the Planning Commission in accordance with applicable law and Zoning Code Sections 30.762, 30.790 et seq.); and

WHEREAS, the Planning Commission has carefully reviewed and considered all of the evidence presented in connection with the hearing on the Project, including but not limited to the staff report, all environmental data including the initial study.

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

SECTION 1: Whereas, this application is categorically exempt from the California Environmental Quality Act under Section 15301:

SECTION 2: Pursuant to Zoning Ordinance Section 30.755, the Planning Commission finds that:

- a. Special and unique circumstances applicable to Applicant's property exist, including size, shape, topography, location or surroundings, such unique circumstances being sufficient public parking is available within 200 feet of the facility. [Gov. Code § 65906; Zoning Code § 30.764A.]
- b. Said special circumstances to the Applicant's property are such that the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning. In particular other similar businesses already in existence can operate with little or no parking. [Gov. Code § 65906; Zoning Code § 30.764A]

- c. The variance does not confer upon the Applicant a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which applicant's property is situated. Approval of the variance will not create a parking problem in the vicinity. [Gov. Code § 65906]
- d. The granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity in that it will permit expansion of a long-established business with adequate parking in the vicinity. [Gov. Code § 65906; Zoning Code § 30.764B]

SECTION 4: Pursuant to Zoning Code Section 30.764 the Planning Commission finds that:

- a. The granting of such variance will not be contrary to or in conflict with the general purpose and intent of the Zoning Code, nor to the goals and programs of the General Plan;
- b. The variance request is consistent with the purpose and intent of the zone in which the site is located;
- c. The subject site is physically suitable for the proposed variance;
- d. There are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed variance will not be detrimental to public health and safety; and
- e. There will be adequate provisions for public access to service the use authorized by the variance.


BE IT FURTHER RESOLVED that, based upon the foregoing, the Planning Commission hereby approves Variance No. 1995-02 subject to those conditions set forth in the attached Exhibit A, which are to be satisfied prior to the issuance of a Certificate of Occupancy unless otherwise specified. Pursuant to Government Code Section 65863.5, the Community Development Department shall, within 30 days from the adoption of this Resolution, notify the County Assessor of said action.



PASSED, APPROVED, AND ADOPTED this 4th day of April,  
1995.

  
CHAIRMAN

ATTEST:

  
SECRETARY TO THE PLANNING COMMISSION

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

I, HOWARD H. MIURA, Secretary to the Planning Commission of the City of San Fernando, do hereby certify that the foregoing Resolution No. 1127 was duly adopted by the Planning Commission and signed by the Chairman of said City at a meeting held on the 4th day of April, 1995; and that the same was passed by the following vote, to wit:

AYES:           Torres, Quist, Olin, Robledo, Mendoza

NOES:           None

ABSENT:         None

ABSTAIN:        None

  
SECRETARY TO THE PLANNING COMMISSION

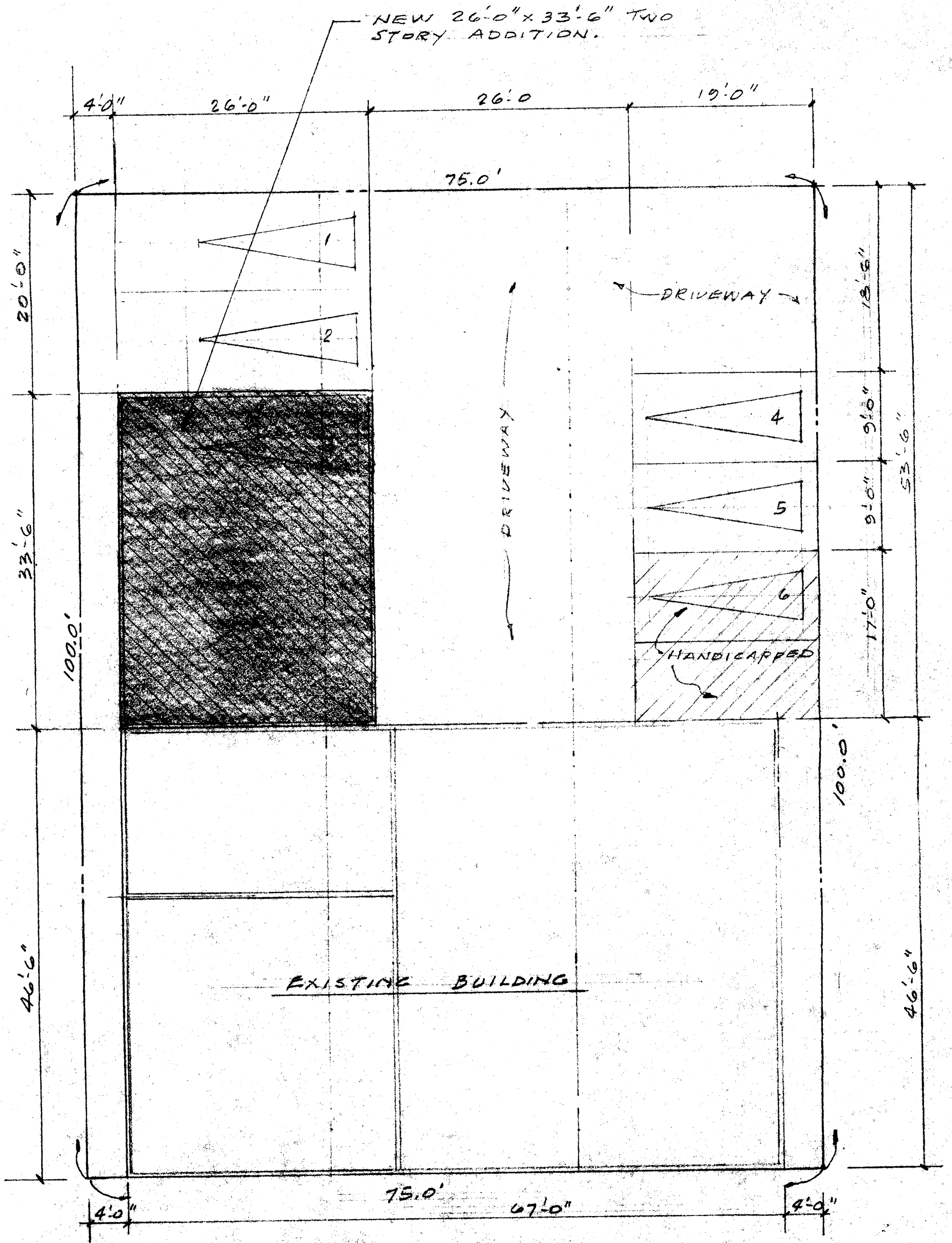
RESO-241.CD

EXHIBIT "A"  
VARIANCE 1995-02

1. The project shall be constructed in accordance with submitted plans.
2. The storage trailers on the property shall be permanently removed.
3. All on-site parking spaces, except for the covered space, shall be reserved for customer parking only.
4. Graffiti Removal and Deterrence - The owners and all successors shall comply with the graffiti removal and deterrence requirements of the San Fernando Building Code on this project as contained in Section 8101(f), 8904.1 and 1707(e), particularly with regard to the following:
  - a. The first nine feet of exterior walls and doors, measured from grade, shall be built and maintained with a graffiti resistant finish consisting of either a hard, smooth, impermeable surface such as ceramic tile, baked enamel or a renewable coating of an approved, anti-graffiti material or a combination of both (1707[e]); and
  - b. The period for compliance with a graffiti removal order issued by the Building and Safety Department is 15 days. If during this period, Owner fails to perform, the City or its contractor is empowered to enter upon the premises to remove such graffiti, with costs accruing to the owner (8904.1); and
  - c. The period for compliance with a subsequent order for a subsequent occurrence is three days (8904.1[b]).
  - d. In addition to a, b and c above, exterior walls of new commercial and residential buildings of other than glass may be covered with clinging vine, screened by oleander trees or similar vegetation capable of covering or screening entire walls up to the height of at least 9 feet, excluding windows and signs.

I have read and understand the above conditions of Variance 1995-02 and agree to meet all conditions.

 4-28-95  
Carrillo's Tortilleria Date



PICO STREET

PLOT PLAN

**ATTACHMENT 3:**  
**Parking Demand Study**

1242 PICO ST.  
SAN FERNANDO, CA 91340

CARRILLO'S TORTILLERIA

## PARKING DEMAND STUDY



SUMMARY NARRATIVE



SUMMARY DATA TABLE



MAP OF STUDY AREA



RAW DATA SHEETS



Williams Land Use Services  
2418 Honolulu Ave, Ste. B  
Montrose, CA 91020 818-542-4109

5-5-13

5-11-13

## PARKING STUDY FOR CARRILLO'S TORTILLERIA, 1242 PICO ST.

This parking study is adjunct to a request for a Conditional Use Permit for on-site and off-site sales and consumption of beer and wine in a bona-fide eating establishment, where there currently exists a type 20 ABC license for off-site sales only. Carrillo's wishes to offer this added amenity to their dine-in patrons in response to patron requests, keep current with business trends, and to compete fairly with similar establishments at this time.

During the Conditional Use Permit review process, it was determined by Staff that a modification of the prior approved resolution would be necessary in order for Staff to continue processing the Conditional Use Permit. A modification to Planning Commission Resolution #1127, approved April 4, 1995, which provided for six parking spaces on the subject lot, is necessary at this time. The modification we request at this time would allow parking in tandem to be utilized on the subject lot, in conjunction with an application for a Conditional Use Permit to allow the on-site consumption and off site sales of beer and wine at the existing restaurant.

The purpose of the study is for City staff to review and to aid in their research to determine whether adequate patron parking exists for Carrillo's Tortilleria, located at 1242 Pico St. The actual parking study area was determined by City Staff (Edgar Arroyo), and includes the north and south sides of Pico Street between Kalisher Street and Mission Boulevard, and the public parking lot at the southwest corner of Pico and Mission. The study area was designed to avoid the denser residential neighborhood to the west of Carrillo's. There are a total of 51 spaces in the study area including 13 spaces in the public lot and 38 spaces on the street, determined by physically measuring the areas, excluding any red curbs, hydrants, driveways or any other restricted space. Data was collected during the week of Sunday, May 5, 2013 through Saturday, May 11, 2013, during Carrillo's regular business hours. Vehicle counts were conducted 13 times each day from 6:00 a.m. to 6:00 p.m. on the hour, each day for seven days straight.

Parking restrictions on Pico Street are as follows:

North Side: 2 hour parking from 8:00 a.m. to 6:00 p.m., and

No Parking on Wednesday from 7:00 a.m. to 9:00 a.m.

South Side: 2 hour parking from 8:00 a.m. to 6:00 p.m., and

No Parking on Tuesday from 7:00 a.m. to 9:00 a.m.

The following pages consist of a map of the study area showing parking spaces, restrictions and adjacent land uses, also the actual count sheets for each day of the study showing the vehicle counts, percentage of spaces parked, percentage of spaces open, and number of spaces available for parking. Land uses in the study area include a restaurant (Carrillo's), a 4-unit apartment, three single family homes, the San Fernando Health Center, a public parking lot, and a multi-tenant commercial retail center.

An Alcoholic Beverage Control License Type 20 is currently held by the establishment for off-site sales of beer and wine, and with approval of a CUP, beer and wine will be offered *with meals* in addition to off-site sales. No additional licenses will be added to the census tract as a result of CUP approval. One new license will simply replace one existing license. The current Type 20 license would be forfeited, and replaced with a *Type 41* license, to wit (emphasis added):

### TYPE 41 - ON SALE BEER & WINE - EATING PLACE -

(Restaurant) Authorizes the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.

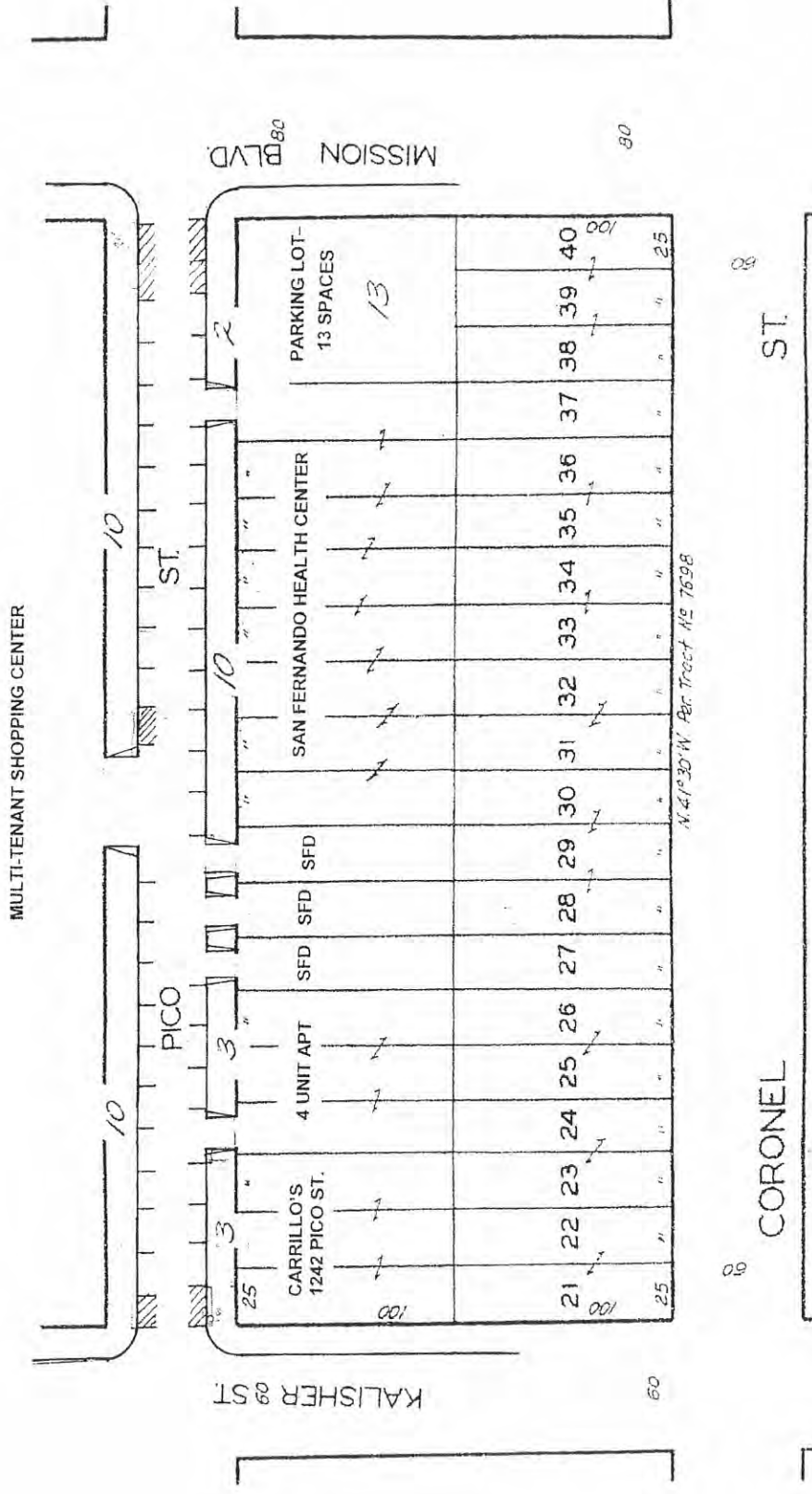
MOST / LEAST PARKING AVAILABLE - SUMMARY AND AVERAGE				
TIME OF DAY	MOST SPACES AVAILABLE	DAY OF STUDY	LEAST SPACES AVAILABLE	DAY OF STUDY
6:00 A.M.	44	Monday	4	Sunday
7:00 A.M.	46	Monday	39	Saturday
8:00 A.M.	42	Saturday/Sunday	32	Monday
9:00 A.M.	43	Saturday	16	Wednesday
10:00 A.M.	40	Saturday	16	Friday
11:00 A.M.	36	Saturday	15	Friday
12:00 P.M.	41	Saturday	15	Wednesday
1:00 P.M.	39	Saturday	15	Wednesday
2:00 P.M.	40	Saturday	16	Monday
3:00 P.M.	44	Saturday	15	Tuesday
4:00 P.M.	45	Sunday	24	Tuesday
5:00 P.M.	42	Saturday	21	Tuesday
6:00 P.M.	42	Saturday	20	Tuesday
AVERAGE	41.85		19.07	

Based on the above information and the data sheets presented, it is our hope that Staff will recommend approval of a modification to Planning Commission Resolution #1127 and allow an in-lieu fee if determined any parking shortage exists on the subject site.

Study designed and tabulated by Janelle Williams  
Williams Land Use Services  
2418 Honolulu Ave., Ste. B  
Montrose, CA 91020  
818-542-4109



# 1242 PICO ST., CARRILLO'S PARKING STUDY AREA MAP



## NORTH SIDE OF PICO RESTRICTIONS:

- 2 Hour Parking 8 a.m. - 6 p.m.
- No Parking Wed 7 a.m. - 9 a.m.

## SOUTH SIDE OF PICO RESTRICTIONS:

- 2 Hour Parking 8 a.m. - 6 p.m.
- No Parking Tues 7 a.m. - 9 a.m.

STREET SPACES	38
PARKING LOT SPACES	13
TOTAL PARKING	51



**ATTACHMENT 4:**  
**Mailed Notice of Public Hearing**

**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 6, 2014

**TIME:** 7:00 p.m.

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

**PROJECT LOCATION:** 1242 Pico Street, San Fernando, CA 91340  
(Los Angeles County Assessor's Parcel No.: 2521-021-012)

**APPLICATION:** Conditional Use Permit 2014-01 and Modification of Variance 1995-02

**PROJECT PROPONENT:** Janelle P. Williams, Williams Land Use Services (on behalf of Carrillo's Tortilleria),  
2418 Honolulu Avenue, Unit B, Montrose, CA 91020

**PROJECT DESCRIPTION:**

The Project is a request for approval of a conditional use permit to allow an existing restaurant located at 1242 Pico Street (Carrillo's Tortilleria) to sell beer and wine for on-site and off-site consumption. Pursuant to Code Sections 106-176, et al., sale of beer and wine for on-site sale or off-site consumption requires the Planning and Preservation Commission's approval of a conditional use permit. The restaurant currently has a legal non-conforming entitlement to sell beer and wine for off-site consumption as the use was established at the C-2 (Commercial) zoned property as a permitted use prior to the City's 1985 Comprehensive zone code update (City Ordinance No. 1270; Adopted September 30, 1985). The 1985 zone code update required all future applicants seeking to sell alcoholic beverages for on-site or off-site consumption to obtain prior approval by the City's Planning and Preservation Commission of a conditional use permit. Furthermore, the Project includes a request to modify Variance 1995-02, which was previously approved by the City to allow a reduction in the required minimum number of on-site parking spaces from 10 to 6 (City Code Section 106-822(c)(2)). The current proposal would modify the existing variance to allow three of the six on-site parking spaces to be designed in a tandem parking configuration (City Code Section 106-832). The project site is an approximate 7,275 square foot lot improved with an approximate 5,066 square foot commercial building located at 1242 Pico Street; at the southeast corner of Pico Street and Kalisher Street within the City's C-2 (Commercial) zone.

This project has been reviewed for compliance with the California Environmental Quality Act (CEQA). Based on that assessment, the project has been determined to be Categorical Exempt under Class 1 (Existing Facilities) of the City's adopted local CEQA Guidelines.

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

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

  
**FRED RAMIREZ**

Community Development Director



### 500-Foot Radius Map

Project Site Location:


1242 Pico Street, San Fernando, CA 91340

LA COUNTY APN# 2521-021-012

(RE: CONDITIONAL USE PERMIT NO. 2014-01 &  
MODIFICATION OF VARIANCE 1995-02)

OWNERSHIP MAP

SCALE 1" = 100'

 = SUBJECT LOT



**ATTACHMENT 5:**  
**Zoning and Vicinity Map**





**ZONING AND VICINITY MAP**

**ATTACHMENT 6:**  
**Project Key Map and**  
**Project Site Photos**









1. View into 1242 Pico Street parking lot from Kalisher Street.



2. View into 1242 Pico Street from northeast corner of Kalisher Street & Pico Street.





3. View into 1242 Pico Street from northeast corner of Kalisher Street & Pico Street.



4. View into 1242 Pico Street main entrance on Pico Street.



5. Southbound view of Pico Street between Kalisher St & San Fernando Mission Blvd. from S.E. corner of Pico Street and Kalisher Street.



6. Northbound view of Pico Street between Kalisher St & San Fernando Mission Blvd. from S.E. corner of Pico Street and San Fernando Mission Blvd.

**ATTACHMENT 7:**  
**Site Plan and Floor Plan**



Existing 2-story  
neighbor's apartments

Existing neighbor's carport

Existing 2-story  
neighbor's apartments

Existing 2-story  
neighbor's apartments

Pico St.

Floor plan keyed notes:

- 1 - Table for four
- 2 - Table for two
- 3 - Table for group
- 4 - Counter
- 5 - Cold food display
- 6 - Warm food display
- 7 - Coffee maker
- 8 - Shelf and cash register
- 9 - Trash container
- 10 - Soft drink dispenser
- 11 - Syrup shelf storage
- 12 - Ice maker
- 13 - 3-compartment sink
- 14 - Hand sink
- 15 - Hot plate
- 16 - Tort cooler
- 17 - Upright refrigerator
- 18 - Corn grinder
- 19 - Working table
- 20 - Multiple burner
- 21 - Chicken rotisserie
- 22 - Two compartment sink
- 23 - Shelf
- 24 - Deep fryer
- 25 - Grill
- 26 - Condiments
- 27 - Veggie cooler
- 28 - Hood above
- 29 - Saw (cutting bone)
- 30 - Water
- 31 - Tortilla maker
- 32 - Dish washer with rack above
- 33 - Storage shelves
- 34 - Pass thru window
- 35 -

As-Built Floor / Site Plan



Kalisher St.

Existing path  
to remain

Existing conc. apron  
to be removed

Existing path  
to remain

New 3'x4' walk-around  
apron and gate per City  
of San Fernando standard.

Existing 6' curb  
to be removed

15'

New 3'x4' walk-off pad  
including drainage grate

New 6' walk-off pad  
including drainage grate

Slabbing grade

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