



# SAN FERNANDO

## PLANNING AND PRESERVATION COMMISSION

### REGULAR MEETING NOTICE AND AGENDA

APRIL 4, 2017 – 6:30 P.M.

COUNCIL CHAMBERS  
117 MACNEIL STREET  
SAN FERNANDO, CA 91340

#### **CALL TO ORDER/ROLL CALL**

Chair Theale E. Haupt  
Vice-Chair Alvin Durham, Jr.  
Commissioner Kevin Beaulieu  
Commissioner Yvonne G. Mejia  
Commissioner Jennifer Perez-Helliwell

#### **PLEDGE OF ALLEGIANCE**

#### **PUBLIC STATEMENTS – WRITTEN/ORAL**

There will be a three (3) minute limitation per each member of the audience who wishes to make comments relating to City Business. Anyone wishing to speak, please fill out a form located at the Council Chambers entrance and submit it to the Commission Chair. When addressing the Planning and Preservation Commission please speak into the microphone and voluntarily state your name and address.

#### **CONSENT CALENDAR**

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

**No Items**

#### **NEW BUSINESS**

- 1) REORGANIZATION OF PLANNING AND PRESERVATION COMMISSION**  
Nominations for Chairperson and Vice-chairperson

## PLANNING AND PRESERVATION COMMISSION

Regular Meeting Notice and Agenda – April 4, 2017

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**2) SUBJECT:** **Conditional Use Permit 2016-007 (CUP 2016-007) – 1419 San Fernando Road, Unit A San Fernando, CA 91340**

**APPLICANT:** Virginia Gonzalez c/o Mariscos El Culichi  
1419 San Fernando Road, Unit A, San Fernando, CA 91340

**PROPOSAL:** The proposed “Project” is a request for review and approval of a Conditional Use Permit (CUP) 2016-007, in order to allow for an existing legal non-conforming bona fide eating establishment become fully entitled as a full service sit-down restaurant as established in the Development Standards of the Truman/San Fernando District – Mixed Use Transition Sub-District of the San Fernando Corridors Specific Plan. In addition, allow for the sale of alcoholic beverages, including beer and wine, for consumption onsite (Type 41; On-Sale Beer & Wine – Eating Place), with a live entertainment component ancillary to the operation of a bona fide eating establishment located at 1419 San Fernando Road, Unit A.

The requested CUP would allow for the applicant to apply for a Type 41 alcohol license with the California Department of Alcoholic Beverage Control. The existing restaurant occupies an approximate 1,182 square foot tenant space within an approximately 7,187 square foot two-story commercial building. The subject property is approximately 15,000 square feet. The subject site is located along the north side of the 1400 block of San Fernando Road, between South Huntington Street and South Workman Street, within the Truman/San Fernando District – Mixed Use Transition Sub-District of the San Fernando Corridors Specific Plan (SP-4) Zone.

**RECOMMENDATION:** Staff recommends that the Planning and Preservation Commission approve Conditional Use Permit (CUP) 2016-007, pursuant to Planning and Preservation Commission Resolution No 2017-003 (Attachment No. 1) and the Conditions of Approval attached as Exhibit “A” in order to allow for an existing legal non-conforming bona fide eating establishment become fully entitled as a full service sit-down restaurant as established in the Development Standards of the Truman/San Fernando

## PLANNING AND PRESERVATION COMMISSION

Regular Meeting Notice and Agenda – April 4, 2017

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District – Mixed Use Transition Sub-District of the San Fernando Corridors Specific Plan. In addition, allow for the sale of alcoholic beverages, including beer and wine, for consumption onsite (Type 41; On-Sale Beer & Wine – Eating Place), with a live entertainment component ancillary to the operation of a bona fide eating establishment located at 1419 San Fernando Road, Unit A.

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

### **CONTINUED BUSINESS**

None

### **STAFF COMMUNICATIONS**

None

### **COMMISSIONER COMMENTS**

### **ADJOURNMENT**

May 2, 2017

*I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on the City Hall bulletin board not less than 72 hours prior to the meeting.*

Humberto Quintana



Signed and Posted: (March 29, 2017 at 1:00 p.m.)

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

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**MEETING DATE:** April 4, 2017

**PUBLIC HEARING:**

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

a. To Approve:

“I move to approve Conditional Use Permit (CUP) 2016-007, pursuant to Planning and Preservation Commission Resolution No 2017-003 (Attachment No. 1) and the Conditions of Approval attached as Exhibit “A” in order to allow for an existing legal non-conforming bona fide eating establishment become fully entitled as a full service sit-down restaurant as established in the Development Standards of the Truman/San Fernando District – Mixed Use Transition Sub-District of the San Fernando Corridors Specific Plan. In addition, allow for the sale of alcoholic beverages, including beer and wine, for consumption onsite (Type 41; On-Sale Beer & Wine – Eating Place), with a live entertainment component ancillary to the operation of a bona fide eating establishment located at 1419 San Fernando Road, Unit A.... (Roll Call Vote)

b. To Deny:

“I move to deny Conditional Use Permit 2016-007, based on the following...” (Roll Call Vote)

c. To Continue:

“I move to continue consideration Conditional Use Permit 2016-007 to a date specific date...” (Roll Call Vote)

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

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

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

## **ITEM 2:**

# **Conditional Use Permit 2016-007**





## AGENDA REPORT

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

**From:** Nick Kimball, Interim City Manager  
**By:** Humberto Quintana, Interim Senior Planner

**Date:** April 4, 2017

**Subject:** **Conditional Use Permit 2016-007**  
1419 San Fernando Road, Unit A, San Fernando, CA 91340  
(Los Angeles County Assessor's Parcel No: 2521-002-016)

**Proposal:** The proposed "Project" is a request for review and approval of a Conditional Use Permit (CUP) 2016-007, in order to allow for an existing legal non-conforming bona fide eating establishment become fully entitled as a full service sit-down restaurant as established in the Development Standards of the Truman/San Fernando District – Mixed Use Transition Sub-District of the San Fernando Corridors Specific Plan. In addition, allow for the sale of alcoholic beverages, including beer and wine, for consumption onsite (Type 41; On-Sale Beer & Wine – Eating Place), with a live entertainment component ancillary to the operation of a bona fide eating establishment located at 1419 San Fernando Road, Unit A.

The requested CUP would allow for the applicant to apply for a Type 41 alcohol license with the California Department of Alcoholic Beverage Control. The existing restaurant occupies an approximate 1,182 square foot tenant space within an approximate 7,187 square foot two-story commercial building. The subject property is approximately 15,000 square feet. The subject site is located along the north side of the 1400 block of San Fernando Road, between South Huntington Street and South Workman Street, within the Truman/San Fernando District – Mixed Use Transition Sub-District of the San Fernando Corridors Specific Plan (SP-4) Zone.

**APPLICANT:** Virginia Gonzalez, c/o Mariscos El Culichi  
1419 San Fernando Road, Unit A, San Fernando, CA 91340

### **RECOMMENDATION:**

Staff recommends that the Planning and Preservation Commission approve Conditional Use Permit (CUP) 2016-007, pursuant to Planning and Preservation Commission Resolution No 2017-003 (Attachment No. 1) and the Conditions of Approval attached as Exhibit "A" in order to allow for an existing legal non-conforming bona fide eating establishment become fully entitled

as a full service sit-down restaurant as established in the development standards of the Truman/San Fernando District – Mixed Use Transition Sub-District of the San Fernando Corridors Specific Plan. In addition, allow for the sale of alcoholic beverages, including beer and wine, for consumption onsite (Type 41; On-Sale Beer & Wine – Eating Place), with a live entertainment component ancillary to the operation of a bona fide eating establishment located at 1419 San Fernando Road, Unit A.

## **PROJECT OVERVIEW:**

On December 14, 2016, Virginia Gonzalez, c/o Mariscos El Culichi (the “Applicant”), submitted a Conditional Use Permit (CUP) application seeking to allow an existing legal non-conforming bona fide eating establishment become fully entitled as a full service sit-down restaurant as established in the Development Standards of the Truman/San Fernando District – Mixed Use Transition Sub-District of the San Fernando Corridors Specific Plan. In addition, the application seeks to allow for the sale of alcoholic beverages, including beer and wine, for consumption onsite (Type 41; On-Sale Beer & Wine – Eating Place) with a live entertainment component ancillary to the operation of a bona fide eating establishment located at 1419 San Fernando Road, Unit A.

The existing restaurant, Mariscos El Culichi, occupies an approximate 1,182 square foot tenant space within an approximate 7,187 square foot two-story commercial building. The subject property is approximately 15,000 square feet. The subject site is located at the north side of the 1400 block of San Fernando Road, between South Huntington Street and South Workman Street, within the Truman/San Fernando District – Mixed Use Transition Sub-District of the San Fernando Corridors Specific Plan (SP-4) Zone.

Parking for Mariscos El Culichi and the other commercial and institutional tenants of the Project Site is provided by 23 off-street parking spaces and five on-street parking spaces for a total of 28 available parking spaces made available to patrons of Project Site. A site plan of the Project Site showing the building footprints and layout of the parking facilities is provided as Attachment No. 6 to this staff report.

The City’s Planning and Preservation Commission’s approval of the requested CUP pursuant to Section 2.5 and 2.6(B) of the development standards for the Truman/San Fernando District – Mixed Use Transition Sub-District of the San Fernando Corridors Specific Plan and City Code Sections 106-145 and 106-176, et al, would allow an existing legal non-conforming bona fide eating establishment become fully entitled as a full service sit-down restaurant as established in the Development Standards of the Truman/San Fernando District – Mixed Use Transition Sub-District of the San Fernando Corridors Specific Plan. It would additionally allow for the sale of alcoholic beverages, including beer and wine, for consumption onsite (Type 41; On-Sale Beer &



Wine – Eating Place) with a live entertainment component ancillary to the operation of a bona fide eating establishment.

Pursuant to Section 2.5 of the development standards for the district, alcoholic beverages may be purchased and consumed on-site through the review and approval of a conditional use permit for on-site consumption ancillary to the operation of a sit-down restaurant with table service that is a “bona fide public eating place.” A bona fide public eating place is defined as “a place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for ordinary meals, the kitchen of which must be kept in a sanitary condition with the proper amount of refrigeration for keeping of food on the premises and must comply with all the regulations of the local department of health.” (City Code Section 106-177.)

Based on the review of the requested CUP, it is City Planning Staff’s assessment that the existing legal non-conforming restaurant would qualify for the Commission’s consideration of a CUP to become fully entitled as a full service sit-down restaurant as established in the development standards of the Truman/San Fernando District – Mixed Use Transition Sub-District of the San Fernando Corridors Specific Plan and additionally allow for the sale of alcoholic beverages, including beer and wine, for consumption onsite (Type 41; On-Sale Beer & Wine – Eating Place), with a live entertainment component ancillary to the operation of a bona fide eating establishment, subject to the conditions of Project approval included Exhibit “A” in Planning and Preservation Commission Resolution No. 2017-003, The development standards of the Truman/San Fernando District – Mixed Use Transition Sub-District of the San Fernando Corridors Specific Plan (Section 2.6(B)), require the restaurant to be a sit-down type eating establishment with direct table service to patrons. Per City Code Section 106-179(c)(1), bona fide public eating places like the subject restaurant are exempted from distance separation requirements from any other on-sale or off-sale outlets. Additional discussion regarding the proposed CUP and the required finding for approval of the project is provided in the analysis section of this report.

#### **BACKGROUND:**

1. General Plan Land Use and Zoning Designation: The Project Site at 1419 San Fernando Road, Unit A is located within the Truman/San Fernando District – Mixed Use Transition Sub-District of the San Fernando Corridors Specific Plan (SP-4) Zone and maintains a San Fernando Corridors Specific Plan (SP-4) land use designation in the General Plan Land Use Element.
2. Site Location and Description: The Project Site is an approximate 15,000 sq. ft. (Los Angeles County Assessor Parcel No: 2521-002-016) parcel along the north side of the 1400 block of

San Fernando Road, between South Huntington Street and South Workman Street, within the Truman/San Fernando District – Mixed Use Transition Sub-District of the San Fernando Corridors Specific Plan (SP-4) Zone. The Project Site abuts a similarly zoned property within the SP-4 zone to the north, east, west, and Multiple Family Residential to the south. Parking for the restaurant and the commercial center is provided on-site and along the adjacent streets. Parking for the Project Site consists of 23 off-street parking spaces and five on-street parking spaces for a total of 28 available parking spaces made available to patrons of the Project Site. Off-street parking for the subject site is accessible from two driveway approaches located off of San Fernando Road and Truman Street, respectively.

3. Environmental Review: This project has been reviewed by the City for compliance with the California Environmental Quality Act (CEQA). Based on the City's environmental assessment, it is the Planning and Preservation Commission's assessment that this project proposal qualifies for a Categorical Exemption under Class 1 (Existing Facilities) of San Fernando's CEQA Guidelines in that the proposed approval of a conditional use permit for the on-site sale and consumption of alcoholic beverages in conjunction with the ongoing operation of an existing restaurant (Mariscos El Culichi) will involve minor interior alterations (i.e., tenant improvement work) and minor exterior alterations (i.e., new signage, painting, window tinting) to an existing private commercial facility.
4. Legal Notification: On March 24, 2017, a public hearing notice was published in the print and online versions of the legal advertisement section of the *Los Angeles Daily News*. In addition, on March 24, 2017, a public hearing notice was posted at the Project Site, at the two City Hall bulletins, and at the local branch of the Los Angeles County Library (217 N. Maclay Avenue). Notices of the public hearing for this CUP request were also mailed to all property owners of record within 500 feet of the Project Site.
5. Public Comments: As of the date of preparation of this staff report, no comments were received from the public regarding this conditional use permit request. Any comments received after the distribution of this report shall be read into the record at the public hearing.

#### **ANALYSIS:**

1. General Plan Consistency. The requested CUP to allow for the operation of a full service sit-down restaurant with the sale of alcoholic beverages, including beer and wine for consumption on the premises (Type 41; On-Sale Beer and Wine – Eating Place), with a live entertainment component ancillary to the operation of a bona fide eating establishment located 1419 San Fernando Road, Unit A is consistent with the following goals and objectives of the San Fernando General Plan Land Use Element by:

- ✓ Attracting new commercial activities, particularly within the downtown area;
- ✓ Retaining the small town character of San Fernando;
- ✓ Promoting economic viability of commercial areas;
- ✓ Maintaining an identity that is distinct from surrounding communities; and,  
*(San Fernando General Plan Land Use Element Goals I-IV, Pg. IV-6)*

The requested CUP would allow for the operation of a full service sit-down restaurant with the sale and on-site consumption of alcohol, with a live entertainment component in conjunction with the operation of a bona fide public eating place, would allow for a customary service to be provided to patrons with meals, thereby promoting the economic viability of the Mixed Used Transition Sub-District and enhancing the dining experience. Permitting the ability for a restaurant to expand its business through the sale and on-site consumption of alcoholic beverages served alongside meals helps foster growth and goes toward creating a lively environment, helping to create and maintain identity within the sub-district that is distinct from surrounding communities. Mariscos El Culichi restaurant achieves the City General Plan Land Use Element's goals by promoting economic viability of commercial areas and attracting new commercial activities into the City's San Fernando Corridors Specific Plan (SP-4) Zone, while still encouraging additional investment within the surrounding commercial corridor.

2. Zoning Consistency. Pursuant to Section 2.6(B) of the development standards for the Truman/San Fernando District – Mixed Use Transition Sub-District of the San Fernando Corridors Specific Plan would allow an existing legal non-conforming bona fide eating establishment become fully entitled as a full service sit-down restaurant. Additionally, pursuant to Section 2.5 of the development standards for the district and pursuant to City Code Section 106-176 et seq., the requested CUP for the ancillary sale and on-site consumption of alcohol in conjunction with the operation of a bona fide eating establishment is a conditionally permitted subject to the review and approval of a conditional use permit by the Planning and Preservation Commission (the "Commission").

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

As provided for in Section 1 of the development standards for the Truman/San Fernando District, the purpose of the Mixed Use Sub-District is to "support development of a mix of use types." The requested CUP to allow the ancillary sale and on-site consumption of alcoholic beverages, with a live entertainment component in conjunction with the

operation of an existing bona fide public eating place would allow for Mariscos El Culichi Restaurant to provide services customary of other similar eating establishments. Permitting the ability for a restaurant in the city's sub-district to expand its business through the sale and on-site consumption of alcoholic beverages served alongside meals helps foster growth and goes toward creating a lively environment within the sub-district. Based on the foregoing, it is staff's assessment that the request is consistent with all applicable development standards for the Truman/San Fernando District.

4. Live Entertainment. Live entertainment shall be allowed within the establishment, through table-oriented performances by mobile musicians who may utilize amplified instruments. There will not be any interior physical improvements to accommodate stage performances. Dancing by patrons shall not be permitted within the establishment or project site unless said activity occurs as part of a Special Event Permit Application. The provisions for live music and entertainment will be limited to the interior of the project site.

It is City Planning Staff's assessment that hours when live music and entertainment are allowed be limited as suggested in the Conditions of Approval (Exhibit "A" to Planning and Preservation Commission Resolution No. 2017-003). Therefore, unless otherwise approved by the City as part of a Special Event Permit Application, live music and entertainment shall be limited to the hours of 5:00 pm - 10:00 pm on Sunday –Thursday and 5:00 pm – 11:00 pm Friday and Saturday, and shall comply with the City's noise ordinance. Recorded music may be played in the establishment through a stereo system or similar equipment at all times during normal business hours subject to ongoing compliance with the City's Noise Ordinance (City Code Chapter 34).

5. Distance Separation Requirements. As previously noted, City Code Section 106-179(c)(1) grants bona fide public eating places like the subject restaurant are exempt from distance separation requirements that would otherwise apply to businesses seeking a CUP for either the on-site sale or off-sale of alcoholic beverages.
6. Type 41 Alcohol License Provisions. The State's Alcoholic Beverage Control Act, codified as Division 9 of the Business and Professions Code, establishes the provisions for the issuance of licenses for alcoholic beverages, including beer, and wine. The issuance of an on-sale beer & wine – eating place in the State is administered by the California Department of Alcoholic Beverage Control (ABC).

In California, retailers for the sale of beer and wine are required to apply for a Type 41 alcohol license (On-Sale beer & wine - Eating Place). A Type 41 license allows the sale of beer and wine for consumption on the premises where sold ancillary to a bona fide public eating place.

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

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

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

In evaluating whether undue concentration exists within the reporting area of the Project Site, City Planning Staff has reviewed crime statistics received from the San Fernando Police Department (the “Police Department”), as well as evaluated the concentration of alcohol licenses in relation to County and local population available from the United States Census Bureau.

Data from the Police Department groups the information available for United States Census Tract 3203 (the tract in which the Project Site is located) as a reporting area, referred to as Police Department “Track 3”. Track 3 encompasses an area bounded by the railroad tracks

to the north, Lashburn Street, Meyer Street, Hubbard Avenue to the west, Fox Street to the east, and Amboy Street to the south. Based on the reporting data available from the Police Department, from March 2016 to March 2017, 33.5 percent of all incidents reported were generated from Track 3.

This rate is proportional with the rest of the City, as this reporting track covers approximately 0.65 square miles area of land. In comparison, Tracks 1 and 2 are comprised of an area of approximately 0.73 square miles and 0.96 square miles, respectively. Additionally, the subject property is not within a reporting district that has a 20-percent greater number of reported crimes than the average number of reported crimes for the three crime reporting tracts, with the percentage of crime being relatively proportional throughout the City.

It is anticipated that approval of the requested CUP at the Project Site with the ancillary sale of alcoholic beverages for on-site consumption, would not have the effect of increasing incident reporting percentages for this reporting track.

Notwithstanding the aforementioned data, Mariscos El Culichi is located within Census Tract No. 3203 and has a published total population of 6948 residents as of the 2010 United States Census. There are a total of twenty six (26) on-sale and off-sale alcohol licenses within the census tract.

A review of the City and ABC records indicates that there are thirteen (13) existing on-sale alcohol outlets (one (1) on-sale alcohol outlet for every 534 residents) within Census Tract No. 3203. If the CUP for the restaurant were to be granted, then there would be a total of fourteen (14) on-sale alcohol outlets (one (1) on-sale alcohol outlet for every 496 residents) within the Census Tract No. 3203. The population in Los Angeles County is 9,818,605, with ABC records showing that a total of 7,999 on-sale alcohol licenses active countywide. The ratio of on-sale licenses to population in Los Angeles County is one (1) license for every 1,227 residents. Since the ratio of on-sale licenses within Census Tract No. 3203 is higher than the ratio for Los Angeles County, then Census Tract No. 3203 does have an undue concentration of on-sale licenses. Therefore, findings of public convenience and necessity are required in this case.

Even though an undue concentration exists, it is staff's assessment that the requested conditional use permit to allow for the on-site consumption of alcoholic beverages as an ancillary use to a bona fide eating establishment will serve a public convenience and necessity by providing for expanded restaurant services as an economically viable destination for dining. 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. A detailed discussion on the findings necessary to justify a public convenience and necessity are included in Section 10 of this report.

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

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

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

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

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

Pursuant to Section 2.6(B) of the development standards for the Truman/San Fernando District – Mixed Use Transition Sub-District of the San Fernando Corridors Specific Plan would allow an existing legal non-conforming bona fide eating establishment become fully entitled as a full service sit-down restaurant. Additionally, pursuant to Section 2.5 of the development standards for the district and pursuant to City Code Section 106-176 et seq., the requested CUP for the ancillary sale and on-site consumption of alcohol in conjunction with the operation of a bona fide eating establishment is a conditionally permitted use within the sub-district.

Mariscos El Culichi, the existing restaurant, is a bona fide public eating place that provides direct table service to patrons of the establishment. The approval of the

requested CUP would allow for the restaurant to offer alcoholic beverages with meals, as is customary with other similar types of bona fide public eating place within the existing floor area. Additionally, the Project site would not trigger any specific distance separation requirements from any other on-sale or off-sale alcohol outlets as currently operated because it is an exempted use as a bona fide eating place, 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, with a live entertainment component is conditionally permitted within the subject zone district and sub-district, which complies with all applicable sections of the City's Zoning Ordinance including the applicable development standards of the San Fernando Corridors Specific Plan. Thus, it is staff's assessment that this finding can be made.

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

Mariscos El Culichi, located at 1419 San Fernando Road, Unit A, is an existing restaurant that occupies an approximate 1,182 square foot tenant space within an approximately 7,187 square foot two-story commercial building. As provided for in Section 1 of the development standards for the Truman/San Fernando District of the SP-4 (Corridors Specific Plan) Zone the purpose of the Mixed Use Sub-District is to "support development of a mix of use types."

The requested CUP to allow the ancillary sale and on-site consumption of alcoholic beverages in conjunction with the operation of an existing bona fide public eating place would allow for Mariscos El Culichi to expand its sales area to provide services customary of other similar eating establishments. Permitting the ability for a restaurant in the city's district expand its business through the sale and on-site consumption of alcoholic beverages served alongside meals helps foster growth and goes toward creating a lively environment within the district.

Furthermore, to ensure the protection and preservation of surrounding neighborhood, while fostering and promoting growth in the district, the city's standard conditions of approval 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 and on-site consumption of alcohol to complement the existing restaurant food sales would not impair the integrity and character of the city's district or the intent and purpose of the SP-4 Zone for this zoning district. Thus, it is staff's assessment that this finding can be made.



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

The multi-tenant commercial building where Mariscos El Culichi is located is an approximate 7,187 square foot two-story commercial building site located within the Truman/San Fernando District – Mixed Use Transition Sub-District of the San Fernando Corridors Specific Plan (SP-4) Zone. Parking for the restaurant and the multi-tenant commercial building, is provided by 23 off-street parking spaces and five on-street parking spaces for a total of 28 available parking spaces made available to patrons of the Project Site. The Project Site is currently developed with similar commercial uses. The ranges of uses established at the Project Site are permitted by the development standards of the District which encourage the establishment of a diversity of uses.

The Project Site and the existing 1,182 square foot restaurant are physically suitable for the requested CUP for sale and on-site consumption of alcoholic beverage that would be served along with meals to patrons. The sale and consumption of alcoholic beverages inclusive of the proposed live entertainment would be completely self-contained within the restaurant. Thus, it is staff's assessment that this finding can be made.

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

The project site is an existing approximate 15,000 square foot multi-tenant commercial center with established uses consisting of administrative offices and service commercial uses. The proposed CUP to allow for the ancillary sale and on-site consumption of alcohol with a live entertainment component ancillary to the operation of a bona fide public eating place would be compatible with those services offered to patron of similar restaurants within the city. Additionally, the mix of uses that are within the commercial center create an inviting environment for patrons. 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 City's San Fernando Corridors Specific Plan (SP-4) Zone and associated districts and sub-districts, is developed with a variety of commercial uses that help serve the needs of residents of the city and neighboring communities. The city adopted policies and strategies to help transform the city's main corridors (San Fernando Road, Truman Street, and Maclay Avenue) into attractive, livable, and economically vital districts. As such, the existing restaurant is compatible with the existing commercial land uses within the vicinity of the Project Site. Furthermore, the City's General Plan Land Use Element designates the Project Site within the City's San Fernando Corridors Specific Plan (SP-4) land use area, as a location where future uses that are envisioned for the

area include the operation of similar commercial activities to those proposed under Mariscos El Culichi.

The request to allow the sale and on-site consumption of alcoholic beverages with a live entertainment component would further augment the services the existing restaurant offers while providing the opportunity to remain competitive with other similar dining establishments that offer alcoholic beverages along with meals. Within the Truman/San Fernando District, the types of permitted uses like Mariscos El Culichi are those that typically generate a significant amount of foot traffic. The expanded restaurant services meet the purpose of the district by helping to “support development of a mix of use types” (Section 1 of the development standards for the Truman/San Fernando District, Page 116). Therefore, the requested CUP to allow for a full service restaurant with sale and on-site consumption of alcoholic beverages with a live entertainment component ancillary to the operation of a bona fide public eating place would be compatible with the existing and future land uses envisioned within the Truman/San Fernando District – Mixed Use Transition Sub-District of the San Fernando Corridors Specific Plan (SP-4) 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.

- 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 and larger commercial center within which it is located is adequately served by existing water, sanitation and public utilities. Any required future improvements to infrastructure and public utilities with the change of occupancy would be required to be developed in compliance with the requirements of the city’s building and health and safety codes, including any requirements for off-site improvements and utility connections from the City’s Public Works Department. Thus, it is staff’s assessment that this finding can be made.

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

Mariscos El Culichi, the existing restaurant, has adequate provisions for public access; the subject site is a through lot with direct access off of San Fernando Road and Truman Street. Patrons seeking to dine at the restaurant and compliment their meals with an alcoholic beverage and live entertainment have the ability to enter the tenant space from the primary entrance along San Fernando Road and on-site parking area. Parking for the restaurant and the multi-tenant commercial building, is provided by 23 off-street parking spaces and five on-street parking spaces for a total of 28 available parking spaces. Adequate vehicular access to the parking facilities is provided along

driveways located along San Fernando Road and Truman 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 Truman/San Fernando District – Mixed Use Transition Sub-District of the San Fernando Corridors Specific Plan (SP-4) zone, full service sit-down restaurants, with the ancillary sale and on-site consumption of alcohol beverages, with a live entertainment component are permitted through the city's review and approval of a conditional use permit. The request to allow the sale and on-site consumption of alcoholic beverage in conjunction with the operation of a bona fide public eating place with a live entertainment component is an appropriate and compatible use for the types of currently established and potentially permitted uses that the Truman/San Fernando District allows. Approval of the CUP for the on-site sale and consumption of alcoholic beverages, with a live entertainment component as an ancillary use to a bona fide public eating place (Mariscos El Culichi) helps to encourage future development of the District. CUP approval at the Project Site facilitates the expansion of locally serving service commercial uses provided by restaurants, which in turn helps to draw new visitors to the area and create a lively commercial district of the city and further revitalize the area.

The requested CUP would allow for Mariscos El Culichi to augment its offerings by providing interested patrons to enhance their dining experience with the ability to purchase on-site alcoholic beverages with their meal. The sale and on-site consumption of alcoholic beverages is a customary service offered by similar bona fide public eating places both within and outside the city. Fostering the growth of these types of establishments through the approval of a CUP for the additional service promotes investment in the district and has the potential to promote future redevelopment of other properties with uses that meet the purpose and intent of the San Fernando Corridors Specific Plan and the Downtown District. Therefore, the requested CUP would be appropriate in light of an established need for the type of restaurant with ancillary alcohol beverage uses being proposed at the Project Site. Thus, it is staff's assessment that this finding can be made in this case.

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

The request to allow for a full service sit-down restaurant with the sale and on-site consumption of alcoholic beverages with a live entertainment component, in conjunction with the operation of Mariscos El Culichi, a bona fide public eating place, would facilitate alcoholic beverages to be made available to patrons with their meals in

a manner that enhances their dining experience while promoting the economic viability of the District. Permitting the ability for a restaurant in the city to expand its business through the sale of alcoholic beverages helps foster growth and goes toward creating a lively environment within the District while helping maintain an identity within the area that is distinct from surrounding communities.

Furthermore, approval of the requested CUP would help support existing dining and entertainment uses that reduce potential commercial vacancies and “attract new commercial activities, particularly within the downtown area” (San Fernando General Plan Land Use Element Goals and Objectives, Pg. IV-6). Thus, it is staff’s assessment that this finding can be made in this case.

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

The requested CUP is to allow for an existing legal non-conforming bona fide eating establishment become fully entitled as a full service sit-down restaurant as established in the Development Standards of the Truman/San Fernando District – Mixed Use Transition Sub-District of the San Fernando Corridors Specific Plan. In addition, allow for the sale of alcoholic beverages, including beer and wine, for consumption on-site (Type 41; On-Sale Beer & Wine – Eating Place), with a live entertainment component ancillary to the operation of a bona fide eating establishment subject to city discretionary review, would allow for the ongoing viability of an existing restaurant within the District. With the adoption of the recommended conditions of approval for the requested alcohol CUP, Mariscos El Culichi would be required to provide sufficient safeguards to deter any potential public nuisance issues and protect public interest, health, safety, convenience or welfare. Noncompliance with the conditions of approval for an approved CUP for alcohol sales would require corrective action on behalf of the business owner and may result in revocation of the granted CUP. Thus, it is staff’s assessment that this finding can be made in this case.

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

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

Police Department reporting data groups available information for United States Census Tract 3203 (the tract in which the Project Site is located) as one complete

reporting area, referred to as Police Department “Track 3.” Track 3 encompasses an area bounded by the railroad tracks to the north, Lashburn Street, Meyer Street, Hubbard Avenue to the west, Fox Street to the east, and Amboy Street to the south. Based on the reporting data available from the Police Department, from March 2016 to March 2017, 33.5 percent of all incidents reported were generated from Track 3.

This rate is proportional with the rest of the City, as this reporting track covers approximately 0.65 square miles area of land. In comparison, Tracks 1 and 2 are comprised of an area of approximately 0.73 square miles and 0.96 square miles, respectively. Additionally, the subject property is not within a reporting district that has a 20-percent greater number of reported crimes than the average number of reported crimes for the three crime reporting tracts, with the percentage of crime being relatively proportional throughout the City.

In addition, reporting data from the City Police Department for the Project Site from March 2014 to March 2017 indicates four (4) calls for service. Of the four calls for service; one was for a burglary, one was for a disturbance, one was for medical and one was for a robbery. Subject to the Applicant’s compliance with required conditions of project approval, it is anticipated that approval of the requested CUP at the Project Site would not have the effect of increasing the incident reporting percentages for this reporting track. Furthermore, approval of the requested CUP with the recommended conditions of approval, would allow for the abatement of any public nuisances associated with sale of alcohol at the Project Site, with potential CUP revocation by the City if public nuisances are not corrected in a timely manner. 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, Mariscos El Culichi, a bona fide public eating place, would augment the services they provide as an ancillary use to the existing restaurant. Alcoholic beverages would be offered for sale to patrons of the establishment to accompany the purchase of a meal. All business activity would be completely self-contained within the restaurant. Failure to address public nuisances issues associated with sale, purchase, and/or consumption of alcoholic beverages would result in city abatement action, including but not limited to, possible revocation of the CUP for repeated noncompliance. While the restaurant is located within a multi-tenant commercial building, the full service sit-down restaurant or the sale and on-site consumption of alcoholic beverages is not expected to have an impact on any residential use, church, hospital, educational institution, day care facility, park, or library within the surrounding area.

Therefore, it is staff's assessment that the conditions of approval provide sufficient safeguards and will therefore not adversely impact any residential use, church, hospital, educational institution, day care facility, park, or library within the surrounding area. Thus, it is staff's assessment that this finding can be made.

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

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

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

Based on the reporting data available from the Police Department, from March 2016 to March 2017, 33.5 percent of all incidents reported were generated from Track 3. This rate is proportional with the rest of the City, as this reporting track covers approximately 0.65 square miles area of land. In comparison, Tracks 1 and 2 are comprised of an area of approximately 0.73 square miles and 0.96 square miles, respectively. Additionally, the subject property is not within a reporting district that has a 20-percent greater number of reported crimes than the average number of reported crimes for the three crime reporting tracts, with the percentage of crime being relatively proportional throughout the City.

Notwithstanding the aforementioned data, Mariscos El Culichi 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 thirteen (13) on-sale licenses within the census tract, exclusive of the Type 41 License Mariscos El Culichi is seeking to pursue.

A review of the City and ABC records indicates that there are thirteen (13) existing on-sale alcohol outlets (one (1) on-sale alcohol outlet for every 534 residents) within Census Tract No. 3203. If the CUP for the restaurant were to be granted, then there would be a total of fourteen (14) on-sale alcohol outlets (one (1) on-sale alcohol outlet for every 496 residents) within the Census Tract No. 3203. The population in Los Angeles County is 9,818,605, with ABC records showing that a total of 7,999 on-sale alcohol licenses active countywide. The ratio of on-sale licenses to population in Los Angeles County is one (1) license for every 1,227 residents. Since the ratio of on-sale licenses within Census Tract No. 3203 is higher than the ratio for Los Angeles County, it is staff's assessment that the requested conditional use permit to allow for the on-site consumption of alcoholic beverages as an ancillary use to a bona fide eating

establishment will serve a public convenience and necessity by providing for expanded restaurant services as an economically viable destination for dining. 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. It is City Planning Staff's assessment that an undue concentration exists within Census Tract 3203 and that the requested alcohol CUP would create an instance of undue concentration within the census tract. Therefore, it is City Planning Staff's determination that findings of public convenience and necessity, pursuant to City Code Section 106-180, are required in this case.

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

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

The adoption of the San Fernando Corridors Specific Plan in 2005 (the "Specific Plan") allowed the city to enact policies to revitalize and encourage investment within the city's primary corridors, (San Fernando Road, Truman Street, and Maclay Avenue) into attractive, livable, and economically vital districts and in particular the Truman/San Fernando District of the Specific Plan calls to "support development of a mix of use types (Section 1 of the development standards for the Truman/San Fernando District).

In reviewing permit data from the California Department of Alcoholic Beverage Control for Census Tract 3203, the tract that Mariscos El Culichi is located in, a total of thirteen (13) active on-sale alcohol licenses exist. 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 Mixed Use Transition Sub-District in particular, that is not currently filled by other existing businesses with similar alcoholic beverage licenses in the surrounding area and corresponding census tract. There are limited venues within the Sub-District for full service sit-down restaurants. Availability for full service sit-down restaurants is a commodity within the Sub District. 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;**

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

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

Mariscos El Culichi, the existing restaurant at the Project Site would allow for the continued economic viability of the commercial center, consistent with similar commercial uses within the city's District. The commercial center, as developed continues to retain a mixture of commercial, uses that is sought after within the Sub-District. The Project Site as developed retains an appearance of the architectural type identified in the Design Guidelines of the San Fernando Corridors Specific Plan and is an example of the type of commercial, mixed-use development sought after within the Sub-District. The issuance of the requested permit to allow for the sale and on-site consumption of alcoholic beverages associated with the existing bona fide public eating place would promote the continued success of an important business type that is critical in helping redefine the district. 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 bona fide public eating places seeking a permit to allow for the sale and on-site consumption of alcoholic beverages, this language is incorporated into the conditions of approval for an approved conditional use permit.



The owners and employees of Mariscos El Culichi 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.**

Mariscos El Culichi, the existing restaurant, has been in operation since May 2015. Prior to this restaurant, a similar bona fide public eating place operated at the project site at 1419 San Fernando Road, Unit A. Mariscos El Culichi complements other existing eating establishment within the commercial center it is located in, along with retail, personal service and service commercial uses. In addition, the applicable development standards of Truman/San Fernando District allow for the operation of bona fide public eating places and the consideration for sales and on-site consumption of alcoholic beverages for said eating establishments through a conditional use permit. The requested conditional use permit for the on-site sale and consumption of alcohol in combination with the operation of a bona fide eating place will complement existing uses in the district and promote the economic viability as an eating and entertainment destination center for residents and visitors to the community. Thus, it is staff's assessment that this finding can be made in this case.

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

In order to evaluate and substantiate this finding, data from the City of San Fernando Police Department was requested for the Crime Report Area that the Project Site is located in U.S. Census Tract 3203, Mariscos El Culichi is currently located at 1419 San Fernando Road, Unit A within the City's SP-4 Zone and is located within the City Police Department's crime reporting "Track 3." Track 3 encompasses an area bounded by the railroad tracks to the north, Lashburn Street, Meyer Street, Hubbard Avenue to the west, Fox Street to the east, and Amboy Street to the south

In review of reporting data from the City Police Department for the Project Site from March 2014 to March 2017 indicates four (4) calls for service. Of the four calls for service; one was for a burglary, one was for a disturbance, one was for medical and one was for a robbery. Therefore, the requested CUP by the Applicant to allow for the sale of alcoholic beverages, including beer and wine for consumption on the premises (Type 41, on-sale beer & wine – eating place), in conjunction with the occupancy of a bona fide eating place at the Project Site is not expected to increase the demand for law enforcement calls for service to the Project Site. Furthermore, any noncompliance with the conditions of approval for the requested CUP would require enforcement action by 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 Project Site to date and sufficient safeguards would be in place as part of the requested CUP to abate any potential public nuisance issues in the future. 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 City's Police Department identifies United States Census Tract 3203 as a complete reporting area, referred to as San Fernando Police Department's crime reporting "Track 3." Track 3 encompasses an area bounded by the railroad tracks to the north, Lashburn Street, Meyer Street, Hubbard Avenue to the west, Fox Street to the east, and Amboy Street to the south. Based on the reporting data available from the Police Department, from March 2016 to March 2017, 33.5 percent of all incidents reported were generated from Track 3.

This rate is proportional with the other two crime report areas (i.e., Track 1 and Track 3) that make up the city. It is anticipated that approval of the requested CUP to allow for the sale of alcoholic beverages, including beer and wine for consumption on the premises (on-sale beer & wine – eating place), in conjunction with the operation of a bona fide eating establishment, would not have the effect of increasing incident reporting percentages for this reporting track. Furthermore, approval of the CUP 2016-007 with the recommended conditions of approval, would allow for city 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 City of San Fernando Police Department regarding alcoholic related service calls, no calls for service to the Project Site during the March 2014 to March 2017 reporting period were for alcohol related incidents. It is not anticipated that the requested CUP 2016-007 to allow for the sale of alcoholic beverages, including beer and wine, for consumption on the premises ("on-sale beer & wine - eating place"), in conjunction with the operation an existing bona fide eating place at 1419 San Fernando Road, Unit A, 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 eating establishment with the expanded menu enhances the dining experience for patrons and convenience of purchasing alcoholic beverages in conjunction with other specialty foods as an ancillary use for consumption on the premises (on-sale beer & wine – eating place). Alcoholic

beverages, including beer and wine would be available for purchase for on-site consumption to be accompanied with a meal. Furthermore, approval of the CUP 2016-007 with the recommended conditions of approval, would allow for the city abatement of public nuisances associated with alcohol sale, purchase and/or consumption. Thus, it is staff's assessment that this finding can be made.

## **CONCLUSION:**

In light of the forgoing analysis, it is staff's assessment that Commission approval of the CUP 2016-007 is warranted. Commission approval of CUP 2016-007 is recommended by City Planning Staff in order to allow for an existing legal non-conforming bona fide eating establishment become fully entitled as a full service sit-down restaurant as established in the Development Standards of the Truman/San Fernando District – Mixed Use Transition Sub-District of the San Fernando Corridors Specific Plan. In addition, allow for the sale of alcoholic beverages, including beer and wine, for consumption onsite (Type 41; On-Sale Beer & Wine – Eating Place), with a live entertainment component ancillary to the operation of a bona fide eating establishment.

Collectively, the activities allowed under the Commission's approval of CUP 2016-007, pursuant to Planning and Preservation Commission Resolution No 2017-003 (Attachment No. 1) and the Conditions of Approval attached as Exhibit "A", would facilitate the long time viability of the restaurant while enhancing the dining experience of customers. Furthermore, approval of CUP 2016-007 will create new services that seek to draw visitors and residents to the district in a manner consistent with the General Plan's goals and objectives and the development standards and design guidelines for the Truman/San Fernando District – Mixed Use Transition Sub-District of the San Fernando Corridors Specific Plan (SP-4) Zone.

Based on the above findings, City Planning Staff recommends that the Planning and Preservation Commission approve Conditional Use Permit (CUP) 2016-007, pursuant to Planning and Preservation Commission Resolution 2017-003 and the conditions of approval attached as Exhibit "A" to the resolution (Attachment No. 1).

## **ATTACHMENTS:**

1. Planning and Preservation Commission Resolution 2017-003 and Exhibit "A": Conditions of Approval
2. Conditional Use Permit Application – CUP 2016-007
3. Notice of Public Hearing Published in the *Los Angeles Daily News*
4. Zoning & Vicinity Map
5. Project Site Photos
6. Set of Plans



**RESOLUTION NO. 2017-003**

**A RESOLUTION OF THE PLANNING AND PRESERVATION COMMISSION OF THE CITY OF SAN FERNANDO APPROVING CONDITIONAL USE PERMIT 2016-007 TO ALLOW FOR A FULL SERVICE SIT-DOWN RESTAURANT AND THE SALE AND ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES WITH A LIVE ENTERTAINMENT COMPONENT IN CONJUNCTION WITH THE CONTINUED OPERATION OF MARISCOS EL CULICHI, A BONA FIDE PUBLIC EATING PLACE LOCATED AT 1419 SAN FERNANDO ROAD, UNIT A.**

WHEREAS, an application has been filed by Virginia Gonzalez c/o Mariscos El Culichi, 1419 San Fernando Road, Unit A, San Fernando, CA 91340 (the “Applicant”), to request approval of a conditional use permit (CUP) application allow for an existing legal non-conforming bona fide eating establishment become fully entitled as a full service sit-down restaurant as established in the Development Standards of the Truman/San Fernando District – Mixed Use Transition Sub-District of the San Fernando Corridors Specific Plan. In addition, allow for the sale of alcoholic beverages, including beer and wine, for consumption onsite (Type 41; On-Sale Beer & Wine – Eating Place), with a live entertainment component ancillary to the operation of a bona fide eating establishment located at 1419 San Fernando Road, Unit A (the “Project”). The existing restaurant occupies an approximate 1,182 square foot tenant space within an approximate 7,187 square foot two-story commercial building. The subject property is approximately 15,000 square feet. The subject site is located along the north side of the 1400 block of San Fernando Road, between South Huntington Street and South Workman Street, within the Truman/San Fernando District – Mixed Use Transition Sub-District of the San Fernando Corridors Specific Plan (SP-4) Zone;

WHEREAS, the Applicant has requested approval of the requested conditional use permit pursuant to City Code Section 106-176 et seq and Section 2.5 and 2.6(B) of the development standards for the Truman/San Fernando District – Mixed Use Transition Sub-District of the San Fernando Corridors Specific Plan to allow for a full service sit-down restaurant and the sale of alcoholic beverages, including beer and wine for consumption on the premises Type 41; On-Sale Beer & Wine – Eating Place, with a live entertainment component in conjunction with the continued operation of a bona fide eating place located at 1419 San Fernando Road, Unit A;

WHEREAS, the Planning and Preservation Commission has considered all of the evidence presented in connection with the Project, written and oral at the public hearing held on the 4th day of April 2017;

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

SECTION 1: This project has been reviewed by the City for compliance with the California Environmental Quality Act (CEQA). Based on the City’s environmental assessment, it is the Planning and Preservation Commission’s assessment that this project proposal qualifies for a Categorical Exemption under Class 1 (Existing Facilities) of San Fernando’s CEQA Guidelines in that the proposed approval of a conditional use permit for the on-site sale and consumption of

alcoholic beverages in conjunction with the ongoing operation of an existing restaurant (Mariscos El Culichi) will involve minor interior alterations (i.e., tenant improvement work) and minor exterior alterations (i.e., new signage, painting, window tinting) to an existing private commercial facility;

SECTION 2: The 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 of the Truman/San Fernando District – Mixed Use Transition Sub-District of the San Fernando Corridors Specific Plan (SP-4) Zone; and

SECTION 3: Pursuant to City Code Section 106-145, the Planning and Preservation Commission finds that the following findings for Conditional Use Permit 2017-001 have been justified and upheld in the affirmative because of the recommended conditions of approval regarding operating procedures governing the sale of alcoholic beverages for on-site consumption. The Planning and Preservation Commission (the "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.**

Pursuant to Section 2.6(B) of the development standards for the Truman/San Fernando District – Mixed Use Transition Sub-District of the San Fernando Corridors Specific Plan would allow an existing legal non-conforming bona fide eating establishment become fully entitled as a full service sit-down restaurant. Additionally, pursuant to Section 2.5 of the development standards for the district and pursuant to City Code Section 106-176 et seq., the requested CUP for the ancillary sale and on-site consumption of alcohol in conjunction with the operation of a bona fide eating establishment is a conditionally permitted use within the sub-district.

Mariscos El Culichi, the existing restaurant, is a bona fide public eating place that provides direct table service to patrons of the establishment. The approval of the requested CUP would allow for the restaurant to offer alcoholic beverages with meals, as is customary with other similar types of bona fide public eating place within the existing floor area. Additionally, the Project site would not trigger any specific distance separation requirements from any other on-sale or off-sale alcohol outlets as currently operated because it is an exempted use as a bona fide eating place, 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, with a live entertainment component is conditionally permitted within the subject zone district and sub-district, which complies with all applicable sections of the City's Zoning Ordinance including the applicable development standards of the San Fernando Corridors Specific Plan. Thus, it is the Commission's determination that this finding can be made.

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

Mariscos El Culichi, located at 1419 San Fernando Road, Unit A, is an existing restaurant that occupies an approximate 1,182 square foot tenant space within an approximately 7,187 square

foot two-story commercial building. As provided for in Section 1 of the development standards for the Truman/San Fernando District of the SP-4 (Corridors Specific Plan) Zone the purpose of the Mixed Use Sub-District is to “support development of a mix of use types.”

The requested CUP to allow the ancillary sale and on-site consumption of alcoholic beverages in conjunction with the operation of an existing bona fide public eating place would allow for Mariscos El Culichi to expand its sales area to provide services customary of other similar eating establishments. Permitting the ability for a restaurant in the city’s district expand its business through the sale and on-site consumption of alcoholic beverages served alongside meals helps foster growth and goes toward creating a lively environment within the district.

Furthermore, to ensure the protection and preservation of surrounding neighborhood, while fostering and promoting growth in the district, the city’s standard conditions of approval 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 and on-site consumption of alcohol to complement the existing restaurant food sales would not impair the integrity and character of the city’s district or the intent and purpose of the SP-4 Zone for this zoning district. Thus, it is the Commission’s determination that this finding can be made.

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

The multi-tenant commercial building where Mariscos El Culichi is located is an approximate 7,187 square foot two-story commercial building site located within the Truman/San Fernando District – Mixed Use Transition Sub-District of the San Fernando Corridors Specific Plan (SP-4) Zone. Parking for the restaurant and the multi-tenant commercial building, is provided by 23 off-street parking spaces and five on-street parking spaces for a total of 28 available parking spaces made available to patrons of the Project Site. The Project Site is currently developed with similar commercial uses. The ranges of uses established at the Project Site are permitted by the development standards of the District which encourage the establishment of a diversity of uses.

The Project Site and the existing 1,182 square foot restaurant are physically suitable for the requested CUP for sale and on-site consumption of alcoholic beverage that would be served along with meals to patrons. The sale and consumption of alcoholic beverages inclusive of the proposed live entertainment would be completely self-contained within the restaurant. Thus, it is the Commission’s determination that this finding can be made.

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

The project site is an existing approximate 15,000 square foot multi-tenant commercial center with established uses consisting of administrative offices and service commercial uses. The proposed CUP to allow for the ancillary sale and on-site consumption of alcohol with a live

entertainment component ancillary to the operation of a bona fide public eating place would be compatible with those services offered to patron of similar restaurants within the city. Additionally, the mix of uses that are within the commercial center create an inviting environment for patrons. Thus, it is the Commission's determination that this finding can be made.

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

The City's San Fernando Corridors Specific Plan (SP-4) Zone and associated districts and sub-districts, is developed with a variety of commercial uses that help serve the needs of residents of the city and neighboring communities. The city adopted policies and strategies to help transform the city's main corridors (San Fernando Road, Truman Street, and Maclay Avenue) into attractive, livable, and economically vital districts. As such, the existing restaurant is compatible with the existing commercial land uses within the vicinity of the Project Site. Furthermore, the City's General Plan Land Use Element designates the Project Site within the City's San Fernando Corridors Specific Plan (SP-4) land use area, as a location where future uses that are envisioned for the area include the operation of similar commercial activities to those proposed under Mariscos El Culichi.

The request to allow the sale and on-site consumption of alcoholic beverages with a live entertainment component would further augment the services the existing restaurant offers while providing the opportunity to remain competitive with other similar dining establishments that offer alcoholic beverages along with meals. Within the Truman/San Fernando District, the types of permitted uses like Mariscos El Culichi are those that typically generate a significant amount of foot traffic. The expanded restaurant services meet the purpose of the district by helping to "support development of a mix of use types" (Section 1 of the development standards for the Truman/San Fernando District, Page 116). Therefore, the requested CUP to allow for a full service restaurant with sale and on-site consumption of alcoholic beverages with a live entertainment component ancillary to the operation of a bona fide public eating place would be compatible with the existing and future land uses envisioned within the Truman/San Fernando District – Mixed Use Transition Sub-District of the San Fernando Corridors Specific Plan (SP-4) 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.

**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 and larger commercial center within which it is located is adequately served by existing water, sanitation and public utilities. Any required future improvements to infrastructure and public utilities with the change of occupancy would be required to be developed in compliance with the requirements of the city's building and health and safety codes, including any requirements for off-site improvements and utility connections from the



City's Public Works Department. Thus, it is the Commission's determination that this finding can be made.

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

Mariscos El Culichi, the existing restaurant, has adequate provisions for public access; the subject site is a through lot with direct access off of San Fernando Road and Truman Street. Patrons seeking to dine at the restaurant and compliment their meals with an alcoholic beverage and live entertainment have the ability to enter the tenant space from the primary entrance along San Fernando Road and on-site parking area. Parking for the restaurant and the multi-tenant commercial building, is provided by 23 off-street parking spaces and five on-street parking spaces for a total of 28 available parking spaces. Adequate vehicular access to the parking facilities is provided along driveways located along San Fernando Road and Truman Street. Thus, it is the Commission's determination that this finding can be made.

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

Within the Truman/San Fernando District – Mixed Use Transition Sub-District of the San Fernando Corridors Specific Plan (SP-4) zone, full service sit-down restaurants, with the ancillary sale and on-site consumption of alcohol beverages, with a live entertainment component are permitted through the city's review and approval of a conditional use permit. The request to allow the sale and on-site consumption of alcoholic beverage in conjunction with the operation of a bona fide public eating place with a live entertainment component is an appropriate and compatible use for the types of currently established and potentially permitted uses that the Truman/San Fernando District allows. Approval of the CUP for the on-site sale and consumption of alcoholic beverages, with a live entertainment component as an ancillary use to a bona fide public eating place (Mariscos El Culichi) helps to encourage future development of the District. CUP approval at the Project Site facilitates the expansion of locally serving service commercial uses provided by restaurants, which in turn helps to draw new visitors to the area and create a lively commercial district of the city and further revitalize the area.

The requested CUP would allow for Mariscos El Culichi to augment its offerings by providing interested patrons to enhance their dining experience with the ability to purchase on-site alcoholic beverages with their meal. The sale and on-site consumption of alcoholic beverages is a customary service offered by similar bona fide public eating places both within and outside the city. Fostering the growth of these types of establishments through the approval of a CUP for the additional service promotes investment in the district and has the potential to promote future redevelopment of other properties with uses that meet the purpose and intent of the San Fernando Corridors Specific Plan and the Downtown District. Therefore, the requested CUP would be appropriate in light of an established need for the type of restaurant with ancillary alcohol beverage uses being proposed at the Project Site. Thus, it is the Commission's determination that this finding can be made.

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

The request to allow for a full service sit-down restaurant with the sale and on-site consumption of alcoholic beverages with a live entertainment component, in conjunction with the operation of Mariscos El Culichi, a bona fide public eating place, would facilitate alcoholic beverages to be made available to patrons with their meals in a manner that enhances their dining experience while promoting the economic viability of the District. Permitting the ability for a restaurant in the city to expand its business through the sale of alcoholic beverages helps foster growth and goes toward creating a lively environment within the District while helping maintain an identity within the area that is distinct from surrounding communities.

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

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

The requested CUP is to allow for an existing legal non-conforming bona fide eating establishment become fully entitled as a full service sit-down restaurant as established in the Development Standards of the Truman/San Fernando District – Mixed Use Transition Sub-District of the San Fernando Corridors Specific Plan. In addition, allow for the sale of alcoholic beverages, including beer and wine, for consumption on-site (Type 41; On-Sale Beer & Wine – Eating Place), with a live entertainment component ancillary to the operation of a bona fide eating establishment subject to city discretionary review, would allow for the ongoing viability of an existing restaurant within the District. With the adoption of the recommended conditions of approval for the requested alcohol CUP, Mariscos El Culichi would be required to provide sufficient safeguards to deter any potential public nuisance issues and protect public interest, health, safety, convenience or welfare. Noncompliance with the conditions of approval for an approved CUP for alcohol sales would require corrective action on behalf of the business owner and may result in revocation of the granted CUP. Thus, it is the Commission's determination that this finding can be made.

SECTION 4: In addition to those findings set forth in City Code Section 106-145, applications for conditional use permits involving any use that involves the sale, serving, and/or consumption of alcoholic beverages shall require the Planning and Preservation Commission (the "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.**

Police Department reporting data groups available information for United States Census Tract

3203 (the tract in which the Project Site is located) as one complete reporting area, referred to as Police Department “Track 3.” Track 3 encompasses an area bounded by the railroad tracks to the north, Lashburn Street, Meyer Street, Hubbard Avenue to the west, Fox Street to the east, and Amboy Street to the south. Based on the reporting data available from the Police Department, from March 2016 to March 2017, 33.5 percent of all incidents reported were generated from Track 3.

This rate is proportional with the rest of the City, as this reporting track covers approximately 0.65 square miles area of land. In comparison, Tracks 1 and 2 are comprised of an area of approximately 0.73 square miles and 0.96 square miles, respectively. Additionally, the subject property is not within a reporting district that has a 20-percent greater number of reported crimes than the average number of reported crimes for the three crime reporting tracts, with the percentage of crime being relatively proportional throughout the City.

In addition, reporting data from the City Police Department for the Project Site from March 2014 to March 2017 indicates four (4) calls for service. Of the four calls for service; one was for a burglary, one was for a disturbance, one was for medical and one was for a robbery. Subject to the Applicant’s compliance with required conditions of project approval, it is anticipated that approval of the requested CUP at the Project Site would not have the effect of increasing the incident reporting percentages for this reporting track. Furthermore, approval of the requested CUP with the recommended conditions of approval, would allow for the abatement of any public nuisances associated with sale of alcohol at the Project Site, with potential CUP revocation by the City if public nuisances are not corrected in a timely manner. Thus, it is the Commission’s determination that this finding can be made.

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

As proposed, Mariscos El Culichi, a bona fide public eating place, would augment the services they provide as an ancillary use to the existing restaurant. Alcoholic beverages would be offered for sale to patrons of the establishment to accompany the purchase of a meal. All business activity would be completely self-contained within the restaurant. Failure to address public nuisances issues associated with sale, purchase, and/or consumption of alcoholic beverages would result in city abatement action, including but not limited to, possible revocation of the CUP for repeated noncompliance. While the restaurant is located within a multi-tenant commercial building, the full service sit-down restaurant or the sale and on-site consumption of alcoholic beverages is not expected to have an impact on any residential use, church, hospital, educational institution, day care facility, park, or library within the surrounding area.

Therefore, it is staff’s assessment that the conditions of approval provide sufficient safeguards and will therefore 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.

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

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

**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.**

Based on the reporting data available from the Police Department, from March 2016 to March 2017, 33.5 percent of all incidents reported were generated from Track 3. This rate is proportional with the rest of the City, as this reporting track covers approximately 0.65 square miles area of land. In comparison, Tracks 1 and 2 are comprised of an area of approximately 0.73 square miles and 0.96 square miles, respectively. Additionally, the subject property is not within a reporting district that has a 20-percent greater number of reported crimes than the average number of reported crimes for the three crime reporting tracts, with the percentage of crime being relatively proportional throughout the City.

Notwithstanding the aforementioned data, Mariscos El Culichi 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 thirteen (13) on-sale licenses within the census tract, exclusive of the Type 41 License Mariscos El Culichi is seeking to pursue.

A review of the City and ABC records indicates that there are thirteen (13) existing on-sale alcohol outlets (one (1) on-sale alcohol outlet for every 534 residents) within Census Tract No. 3203. If the CUP for the restaurant were to be granted, then there would be a total of fourteen (14) on-sale alcohol outlets (one (1) on-sale alcohol outlet for every 496 residents) within the Census Tract No. 3203. The population in Los Angeles County is 9,818,605, with ABC records showing that a total of 7,999 on-sale alcohol licenses active countywide. The ratio of on-sale licenses to population in Los Angeles County is one (1) license for every 1,227 residents. Since the ratio of on-sale licenses within Census Tract No. 3203 is higher than the ratio for Los Angeles County, it is staff's assessment that the requested conditional use permit to allow for the on-site consumption of alcoholic beverages as an ancillary use to a bona fide eating establishment will serve a public convenience and necessity by providing for expanded restaurant services as an economically viable destination for dining. 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. It is City Planning Staff's assessment that an undue concentration exists within Census Tract 3203 and that the requested alcohol CUP would create an instance of undue concentration within the census tract. Therefore, it is the Commission's determination that findings of public convenience and necessity, pursuant to City Code Section 106-180, are required in this case.

SECTION 5: Whenever a request for a determination of public convenience or necessity in connection with the issuance of a license for the sale of alcoholic beverages by the 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 (the “Commission”), in making that determination, shall consider the following:

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

The adoption of the San Fernando Corridors Specific Plan in 2005 (the “Specific Plan”) allowed the city to enact policies to revitalize and encourage investment within the city’s primary corridors, (San Fernando Road, Truman Street, and Maclay Avenue) into attractive, livable, and economically vital districts and in particular the Truman/San Fernando District of the Specific Plan calls to “support development of a mix of use types (Section 1 of the development standards for the Truman/San Fernando District).

In reviewing permit data from the California Department of Alcoholic Beverage Control for Census Tract 3203, the tract that Mariscos El Culichi is located in, a total of thirteen (13) active on-sale alcohol licenses exist. 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 Mixed Use Transition Sub-District in particular, that is not currently filled by other existing businesses with similar alcoholic beverage licenses in the surrounding area and corresponding census tract. There are limited venues within the Sub-District for full service sit-down restaurants. Availability for full service sit-down restaurants is a commodity within the Sub District. Thus, it is the Commission’s determination that this finding can be made.

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

Mariscos El Culichi, the existing bona fide public eating place at the Project Site would allow for the continued economic viability of the site consistent with similar commercial uses allowed within the Truman/San Fernando District and the Mixed Use Transition Sub-District. Providing for the sale and on-site consumption of alcoholic beverages as an ancillary use to the existing restaurant enhances the dining experience for patrons and convenience of purchasing alcoholic beverages in conjunction with other specialty foods. Therefore, approval of an on-sale permit alcohol to sale and serve alcoholic beverages to patrons of the restaurant along with meals would help deter the spread of economic and physical blight throughout the Project area that may be partly attributed to vacancies and deferred maintenance of vacant commercial buildings. Thus, it is the commission’s determination that this finding can be made.

- 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.**

Mariscos El Culichi, the existing restaurant at the Project Site would allow for the continued economic viability of the commercial center, consistent with similar commercial uses within the city’s District. The commercial center, as developed continues to retain a mixture of commercial, uses that is sought after within the Sub-District. The Project Site as developed

retains an appearance of the architectural type identified in the Design Guidelines of the San Fernando Corridors Specific Plan and is an example of the type of commercial, mixed-use development sought after within the Sub-District. The issuance of the requested permit to allow for the sale and on-site consumption of alcoholic beverages associated with the existing bona fide public eating place would promote the continued success of an important business type that is critical in helping redefine the district. Thus, it is the Commission's determination that this finding can be made.

- 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 bona fide public eating places seeking a permit to allow for the sale and on-site consumption of alcoholic beverages, this language is incorporated into the conditions of approval for an approved conditional use permit. The owners and employees of Mariscos El Culichi 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.

- 5. The extent to which the proposed use complements uses in the surrounding area.**

Mariscos El Culichi, the existing restaurant, has been in operation since May 2015. Prior to this restaurant, a similar bona fide public eating place operated at the project site at 1419 San Fernando Road, Unit A. Mariscos El Culichi complements other existing eating establishment within the commercial center it is located in, along with retail, personal service and service commercial uses. In addition, the applicable development standards of Truman/San Fernando District allow for the operation of bona fide public eating places and the consideration for sales and on-site consumption of alcoholic beverages for said eating establishments through a conditional use permit. The requested conditional use permit for the on-site sale and consumption of alcohol in combination with the operation of a bona fide eating place will complement existing uses in the district and promote the economic viability as an eating and entertainment destination center for residents and visitors to the community. Thus, it is the Commission's determination that this finding can be made.

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

In order to evaluate and substantiate this finding, data from the City of San Fernando Police Department was requested for the Crime Report Area that the Project Site is located in U.S. Census Tract 3203, Mariscos El Culichi is currently located at 1419 San Fernando Road, Unit

A within the City's SP-4 Zone and is located within the City Police Department's crime reporting "Track 3." Track 3 encompasses an area bounded by the railroad tracks to the north, Lashburn Street, Meyer Street, Hubbard Avenue to the west, Fox Street to the east, and Amboy Street to the south

In review of reporting data from the City Police Department for the Project Site from March 2014 to March 2017 indicates four (4) calls for service. Of the four calls for service; one was for a burglary, one was for a disturbance, one was for medical and one was for a robbery. Therefore, the requested CUP by the Applicant to allow for the sale of alcoholic beverages, including beer and wine for consumption on the premises (Type 41, on-sale beer & wine – eating place), in conjunction with the occupancy of a bona fide eating place at the Project Site is not expected to increase the demand for law enforcement calls for service to the Project Site. Furthermore, any noncompliance with the conditions of approval for the requested CUP would require enforcement action by 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 Project Site to date and sufficient safeguards would be in place. Thus, it is the Commission's determination that this finding can be made.

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

The data from the City's Police Department identifies United States Census Tract 3203 as a complete reporting area, referred to as San Fernando Police Department's crime reporting "Track 3." Track 3 encompasses an area bounded by the railroad tracks to the north, Lashburn Street, Meyer Street, Hubbard Avenue to the west, Fox Street to the east, and Amboy Street to the south. Based on the reporting data available from the Police Department, from March 2016 to March 2017, 33.5 percent of all incidents reported were generated from Track 3.

This rate is proportional with the other two crime report areas (i.e., Track 1 and Track 3) that make up the city. It is anticipated that approval of the requested CUP to allow for the sale of alcoholic beverages, including beer and wine for consumption on the premises (on-sale beer & wine – eating place), in conjunction with the operation of a bona fide eating establishment, would not have the effect of increasing incident reporting percentages for this reporting track. Furthermore, approval of the CUP 2016-007 with the recommended conditions of approval, would allow for city 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.

**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 City of San Fernando Police Department regarding alcoholic related service calls, no calls for service to the Project Site during the March 2014 to March 2017 reporting period were for alcohol related incidents. It is not anticipated that the requested CUP 2016-007 to allow for the sale of alcoholic beverages, including beer and wine, for consumption on the premises ("on-sale beer & wine - eating place"), in conjunction

with the operation an existing bona fide eating place at 1419 San Fernando Road, Unit A, 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 eating establishment with the expanded menu enhances the dining experience for patrons and convenience of purchasing alcoholic beverages in conjunction with other specialty foods as an ancillary use for consumption on the premises (on-sale beer & wine – eating place). Alcoholic beverages, including beer and wine would be available for purchase for on-site consumption to be accompanied with a meal. Furthermore, approval of the CUP 2016-007 with the recommended conditions of approval, would allow for the city 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.

BE IT FURTHER RESOLVED that based upon the foregoing, the Planning and Preservation Commission hereby approves Conditional Use Permit 2016-007, subject to the Conditions of Approval attached as Exhibit “A”.

**(SIGNATURE PAGE TO FOLLOW)**



PASSED, APPROVED AND ADOPTED this 4th day of April 2017.

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THEALE E. HAUPT, CHAIRPERSON

ATTEST:

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NICK KIMBALL, SECRETARY TO THE PLANNING  
AND PRESERVATION COMMISSION

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

I, NICK KIMBALL, Secretary to the Planning and Preservation Commission of the City of San Fernando, do hereby certify that the foregoing Resolution was duly adopted by the Planning and Preservation Commission and signed by the Chairperson of said City at a meeting held on the 4th day of April 2017; and that the same was passed by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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NICK KIMBALL, SECRETARY TO THE PLANNING AND  
PRESERVATION COMMISSION

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

**PROJECT NO.** : **Conditional Use Permit 2016-007**

**PROJECT ADDRESS** : 1419 San Fernando Road, Unit A, San Fernando, CA 91340  
(Los Angeles County Assessor’s Parcel No: 2521-002-016)

**PROJECT DESCRIPTION** : The proposed project is a request for review and approval of a conditional use permit (CUP) 2017-001 to allow for a full service sit-down restaurant and the sale and on-site consumption of alcoholic beverages (type 41; on-sale beer & wine – eating place), with a live entertainment component in conjunction with the continued operation of Mariscos El Culichi, a bona fide public eating place located at 1419 San Fernando Road, Unit A.

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 2016-006 is granted for the land described in this application and any attachments thereto, as reviewed by the Planning and Preservation Commission on April 4, 2017, except as herein modified to comply with these Conditions of Approval.
- 2) Indemnification. The property owner and the project applicant (San Fernando Brewing Co.) shall indemnify, protect, hold harmless and defend the City and any agency or instrumentality thereof, and/or any of its officers, employees and agents from any and all claims, actions, or proceedings against the City to attack, set aside, void, annul, seek monetary damages resulting from an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board or legislative body including actions approved by the voter of the City, concerning the entitlement application. City shall promptly notify both the property owner and developer of any claim, action, or proceeding to which this condition is applicable and shall further cooperate fully in the defense of the action. The City reserves its right to take any and all action the City deems to be in the best interest of the City and its citizens in regard to such defense. The property owner and developer shall defend, indemnify and hold harmless the City for all costs and fees incurred in additional investigation or study of, or for supplementing, redrafting, revising, or amending, any document (such as an environmental impact report or related environmental assessment) if made necessary through the initiation of the project
- 3) Incidental Use. The conditional use permit is granted for the “incidental” on-site sale, purchase, and/or consumption of alcoholic beverages. The sale of alcoholic beverages shall be “incidental to the sale of other products” as defined in City Code Section 106-177 (Definitions). At the request of the Chief Planning Official satisfactory proof shall be submitted to show that the sale of annual 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 & Wine – Eating Place) with ABC. A Type 41 License shall authorize the ancillary sale of alcoholic beverages, including beer and

wine for consumption on the premises where sold.

- 5) Alcoholic Consumption Limitation. The operator of the restaurant shall comply with all the applicable city provisions for the on-site sale and consumption of alcoholic beverages in conjunction with a bona fide public eating place pursuant to City Code Sections 106-176 through 106-183. All on-site sale and consumption of alcoholic beverages shall be limited to the confines of the building. Alcoholic beverages shall not be permitted to be consumed in the parking area or other exterior areas of the premises. Alcoholic beverages shall not be sold for consumption off the premises. In addition, loitering in the public right-of-way area, parking area, and/or in front of adjacent properties is prohibited.
- 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 conditional use permits for alcoholic beverage sales shall be subject to the following standard conditions, as required by City Code Section 106-182:
  - a. Alcoholic beverages shall not be permitted to be consumed in the parking area or other exterior areas of the premises;
  - b. Alcoholic beverages shall not be sold for consumption off the premises;
  - c. The hours of operation, including deliveries to the proposed establishment, shall be reviewed and approved by the Planning and Preservation Commission as part of the CUP application in order to ensure compatibility with the surrounding area;
  - d. All employees who serve or sell alcoholic beverages shall successfully complete a responsible beverage service training program that meets the requirements of ABC. Records of such training shall be maintained on the premises and made available to the police department personnel upon request;
  - e. Loitering in the public right-of-way, parking area and in front of adjacent properties is prohibited. For purposes of this entitlement, loitering shall mean the act of an individual or group of individuals of remaining in a particular place within the vicinity of the business for a protracted time, without directly conducting any business activity and causing the disruption of peace and enjoyment of the public at the site;
  - f. The following signs shall be conspicuously posted onsite:
    - i. Exterior signs referencing Penal Code Section 602.1. Such signs shall be clearly visible from the establishment's parking area and shall include the police department's phone number.
    - ii. An interior sign in English and Spanish stating: "We ID everyone under 26 years of age for alcohol sales" with minimum dimensions of eight inches by 11 inches.

- g. Exterior public telephones that permit incoming calls shall not be located on the premises;
- h. Electronic games, including video games, shall not be located on the premises;
- i. Exterior lighting of the parking area shall provide adequate lighting for patrons while not producing glare or light spillover disturbing surrounding residential or commercial areas;
- j. Unless otherwise approved by the Chief of Police, 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;
- k. 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;
- l. 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;
- m. 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;
- n. 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;
- o. 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;
- p. 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;
- q. Violation of, or noncompliance with, any of the conditions of approval shall constitute grounds for revocation of this conditional use permit; and
- r. 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 operation of: 10:30 am to 10:00 pm, Sunday through Thursday and between 10:30 am to 12:00 am (Midnight), Friday through Saturday. The business is allowed to open at earlier start times on a daily basis in order to serve meals so long as no alcoholic beverages are sold prior to the hour of 10:30 am. 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. Last call for the purchase of alcoholic beverages shall be called 45 minutes before the close of business as identified in the hours of operation herein. No consumption of alcohol shall occur beyond the hours of operation. The doors to the establishment shall remain closed except upon entering and exiting the business. Changes in the hours of operation to allow for the sale and on-site consumption of alcoholic beverages beyond the hours provided above shall be subject to review and approval by the Planning and Preservation Commission.
- 9) Live Entertainment. Live entertainment shall be allowed within the establishment, through table-oriented performances by mobile musicians who may utilize amplified instruments. There will not be any interior physical improvements to accommodate stage performances. Dancing by patrons shall not be permitted within the establishment or project site unless said activity occurs as part of a Special Event Permit Application. The provisions for live music and entertainment will be limited to the interior of the project site. Live music and entertainment shall be limited to the hours of 5:00 pm - 10:00 pm on Sunday –Thursday and 5:00 pm – 11:00 pm Friday and Saturday.

In addition, the project and all related live entertainment and music shall comply with the City's Noise Ordinance (as applicable provisions noted in City Code Chapter 34). Recorded music may be played in the establishment through a stereo system or similar equipment at all times during normal business hours subject to ongoing compliance with the City's Noise Ordinance.

- 10) 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.
- 11) Signage. Windows shall comply with the applicable City sign regulations as noted in the SP-4 Zone for similarly zoned property. Proposed signage and window tinting shall require prior City planning division review and approval before the issuance of sign permit and work initiated in order to ensure that clear and unobstructed view of the cash register and sales area from the parking lot and street is maintained unless otherwise provided for by the chief planning official.
- 12) Surveillance. A security camera system approved by the City of San Fernando 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) 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 three zoning violation citations, unless successfully appealed;
- 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 City Police Department, the Planning and Preservation Commission, after a public hearing, as hereinafter provided, may revoke the conditional use permit herein granted or may modify and amend the same in such manner as it may determine necessary to abate the nuisance or preclude the undesirable activities or behaviors, which have generated the increased demand for law enforcement services.

14) 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.

15) Property Maintenance. The project site at 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.

- 16) Graffiti Removal. Unless otherwise specified in the conditions of approval, the property owner(s), operator and all successors shall comply with the graffiti removal and deterrence requirements of the San Fernando City Code.
- 17) 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.
- 18) General Compliance. The applicant shall comply with all requirements of applicable Federal, State, or local law, ordinance, or regulation.
- 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 Conditional Use Permit 2016-008, the restaurant operator 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 Community Development Department 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 these Conditions of Approval included as Exhibit "A" of Planning and Preservation Commission Resolution 2017-003 has 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 business and shall be made available for viewing upon public request or upon request by any city official and representative of ABC. Employees of the business shall not prohibit a request of the public to view the conditions of approval for this entitlement.
- 23) Expiration. Conditional Use Permit 2016-007 shall become null and void unless exercised by initiating substantive action to implement the operation permitted by this entitlement within twelve (12) months of final approval; or until such additional time as may be granted by the Community Development Department upon receipt of a request for an extension received prior to such expiration date. Subsequent failure to obtain and exercise an active business occupancy permit shall also cause expiration of the conditional use permit.





**CONDITIONAL USE PERMIT APPLICATION**

**PROJECT INFORMATION**

SITE ADDRESS(ES)

1419 Sanfernando Rd #A Sanfernando Ca 91340

ASSESSORS PARCEL NUMBER(S) "APN"

2521-002-016

LOT SIZE

15,000

EXISTING BUILDING (SQUARE FOOTAGE)

PROPOSED ADDITION (SQUARE FOOTAGE)

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

23 / 5

PROPOSED USE(S)

LANDSCAPING (SQUARE FOOTAGE)

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

CUP for Restaurant use w/ Beer + wine & live entertainment

**APPLICANT INFORMATION**

APPLICANT NAME

Virginia Gonzalez

PHONE NUMBER

(818) 793-8799

MAILING ADDRESS

1419 Sanfernando Rd #A Sanfernando Ca 91340

FAX NUMBER

EMAIL ADDRESS

Virginiagonzalez27@yahoo.com

SIGNATURE

Virginia Gonzalez

**PROPERTY OWNER INFORMATION**

PROPERTY OWNER NAME

LEVATOR

PHONE NUMBER

(818) 268 7549

MAILING ADDRESS

1412 SAN FERNANDO RD SAN FERNANDO

FAX NUMBER

EMAIL ADDRESS

EGALLEVATOR6@hotmail.com

SIGNATURE

X [Signature]

**FOR OFFICE USE ONLY**

CUP APPLICATION \$ 3,005.00

AIMS SURCHARGE \$ 300.50

ENVIRONMENTAL \$ 204.00

NOTIFICATION \$ 120.00

PUBLISHING \$ 600.00

TOTAL FEE \$4,229.50

ZONE

SP-4

GENERAL PLAN AREA

FILE NUMBER

DATE FILED

12/14/16

CUP NO.

2016-007

ACCEPTED BY

H. Quintana

AIMS NO.

COMMENTS

CROSS REFERENCE

SPR NO.

VAR NO.

OTHER





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NOTICE OF A  
**PUBLIC HEARING**  
THE CITY OF SAN FERNANDO PLANNING AND PRESERVATION COMMISSION

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

**DATE:** Tuesday, April 4, 2017

**TIME:** 6:30 p.m.

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

**PROJECT LOCATION:** 1419 San Fernando Road, Unit A, San Fernando, CA 91340  
(Los Angeles County Assessor's Parcel No: 2521-002-016)

**APPLICATION:** Conditional Use Permit 2016-007

**PROJECT PROPONENT:** Virginia Gonzalez  
1419 San Fernando Road, Unit A, San Fernando, CA 91340

**PROJECT DESCRIPTION:**

The proposed project is a request for review and approval of a Conditional Use Permit (CUP) 2016-007, in order to allow an existing legal non-conforming bona fide eating establishment become fully entitled as a full service sit-down restaurant as established in the Development Standards of the Truman/San Fernando District – Mixed Use Transition Sub-District of the San Fernando Corridors Specific Plan. In addition, allow for the sale of alcoholic beverages, including beer and wine, for consumption onsite (Type 41; On-Sale Beer & Wine – Eating Place), with a live entertainment component ancillary to the operation of a bona fide eating establishment located at 1419 San Fernando Road, Unit A. The requested CUP would allow for the applicant to apply for a Type 41 alcohol license with the California Department of Alcoholic Beverage Control. The existing restaurant occupies an approximate 1,182 square foot tenant space within an approximately 7,187 square foot two-story commercial building. The subject property is approximately 15,000 square feet. The subject site is located at the north side of the 1400 block of San Fernando Road, between South Huntington Street and South Workman Street, within the Truman/San Fernando District – Mixed Use Transition Sub-District of the San Fernando Corridors Specific Plan (SP-4) Zone.

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

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

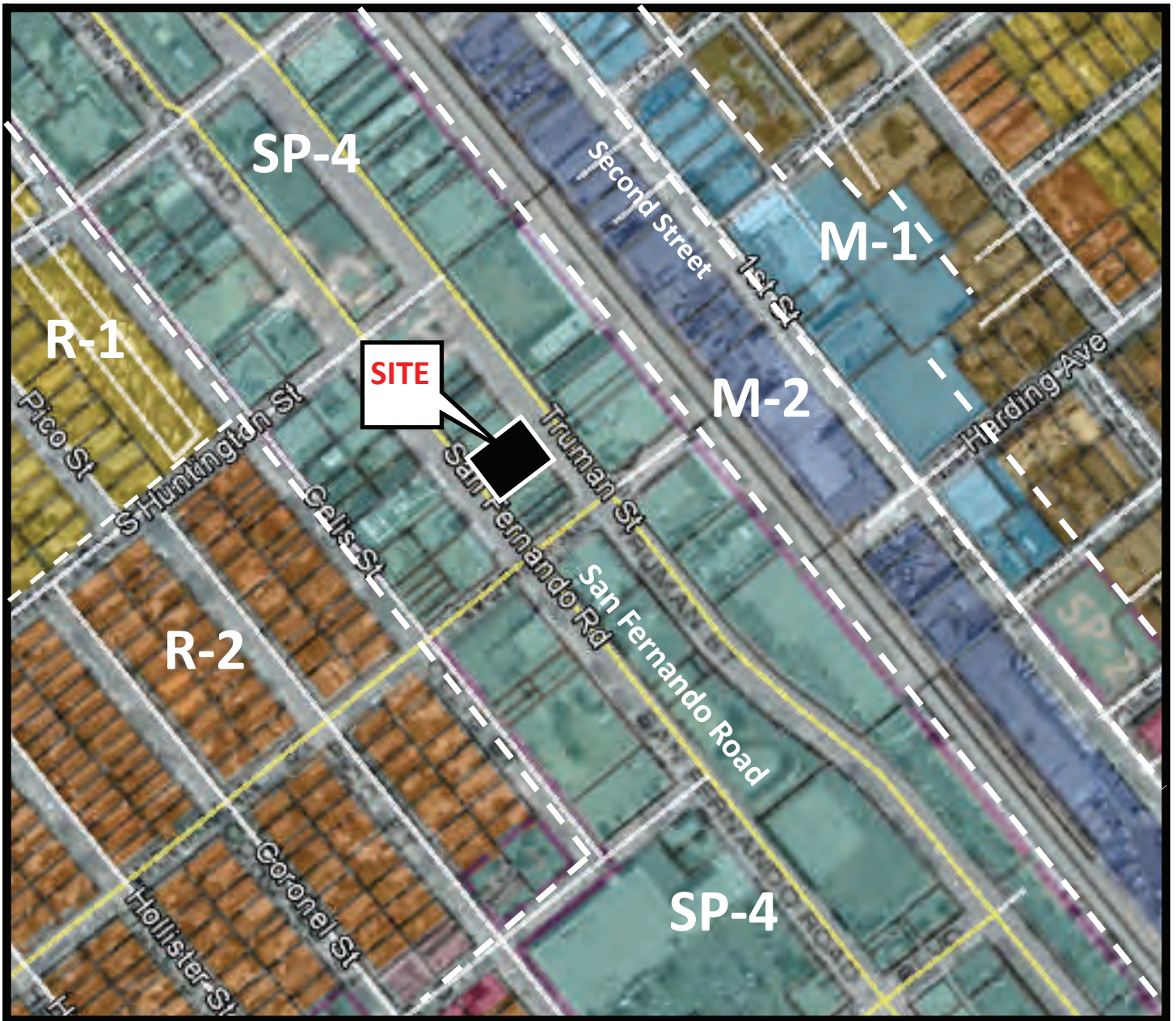
For further information regarding this proposal, please contact Interim Senior Planner Humberto Quintana at (818) 898-1227 or by written correspondence to: City of San Fernando, Community Development Department, 117 Macneil Street, San Fernando, CA 91340-2993.

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**HUMBERTO QUINTANA**  
Interim Senior Planner



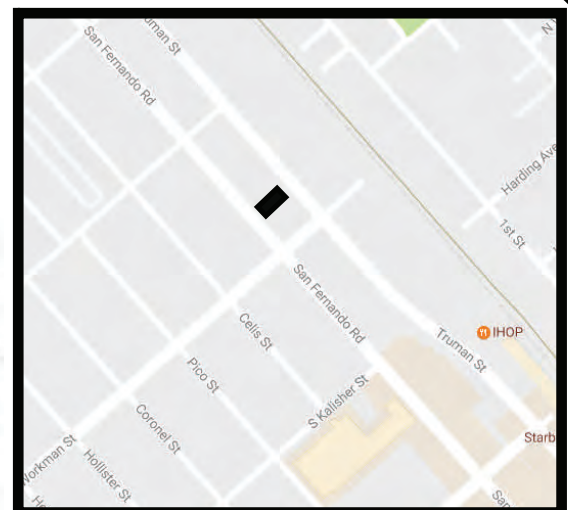




## Zoning & Vicinity Map

CASE NO: CUP 2016-007

ADDRESS: 1419 San Fernando Road, Unit A



Scale: NTS







View of Subject Site looking north from San Fernando Road



View of Subject Site looking South from Truman Street



## Subject Site Photos

CASE NO: CUP 2016-007

ADDRESS: 1419 San Fernando Rd, Unit A







1419 San Fernando,  
CA 91340

**MARISCOS CULICHI**  
1419 San Fernando Rd, San Fernando, CA 914340

OWNER:

**PROPERTY INFORMATION:**  
ASSESSORS ID NO: 2521-002-016  
ADDRESS: 1419 SAN FERNANDO RD, SAN FERNANDO, CA 91340

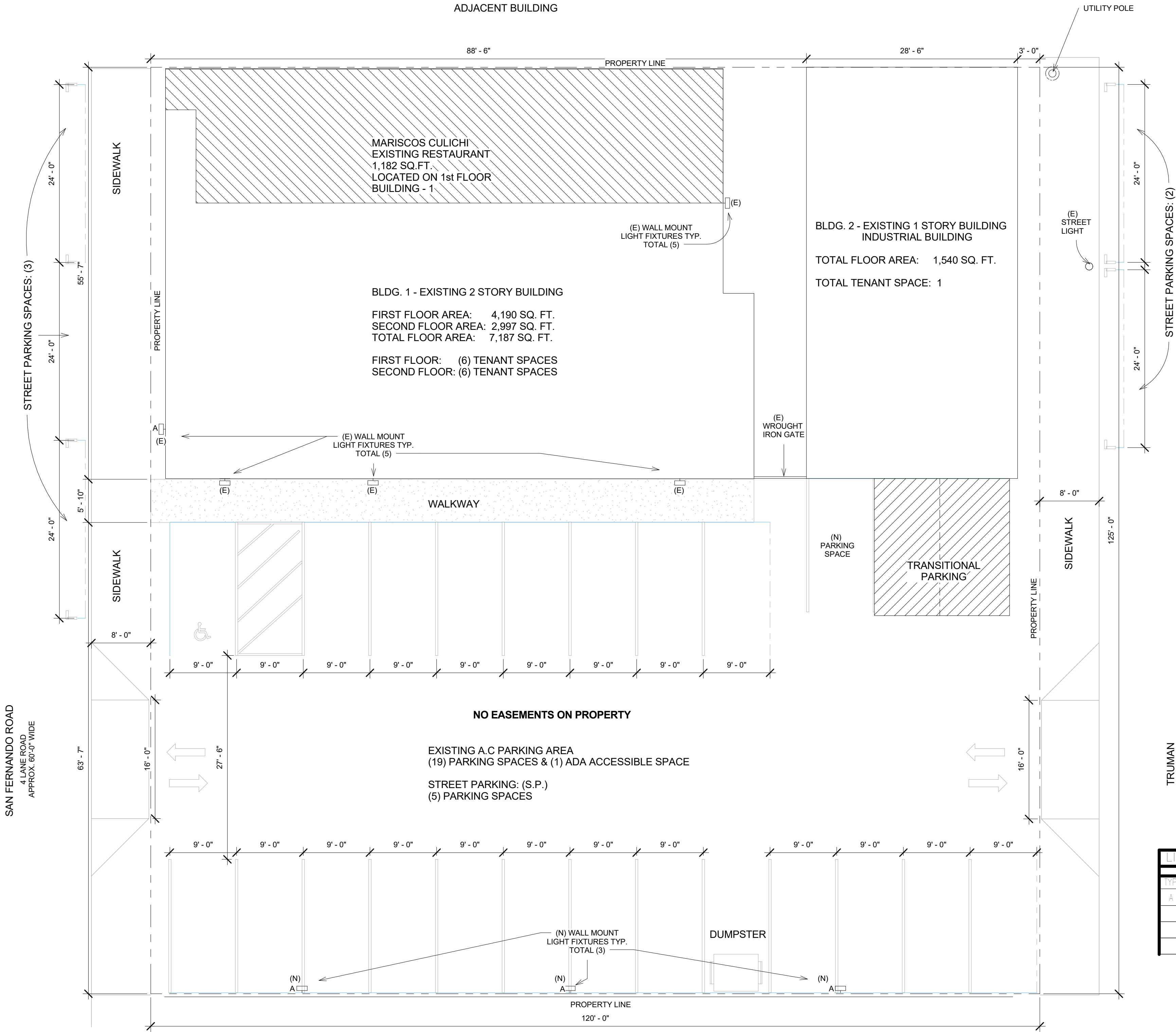
**PROPERTY TYPE:**  
COMMERCIAL / INDUSTRIAL  
REGION / CLUSTER: 24 / 24603

**PROPERTY BOUNDARY DESCRIPTION:**  
PORTER LAND AND WATER CO'S RESURVEY OF SAN FERNANDO  
EX OF ST LOTS 6,7,8,9, AND 10 BLK J  
RECORDING DATE: 6/13/2011  
TOTAL SQUARE FOOTAGE: 6,976  
LOT SIZE: 15,000

**SCOPE:**  
OWNER OF EXISTING RESTAURANT MARISCOS CULICHI  
LOCATED ON FIRST FLOOR OF BUILDING -1  
IS APPLYING FOR C.P. ALCOHOL.

PARKING ANALYSIS			
NAME OF BUSINESS	GROSS SQUARE FOOTAGE	PARKING RATIO REQUIREMENT	SPACES REQUIRED
MARISCOS CULICHI	1,182	1 PER 200	6
REMAINING 1ST FLOOR	3,008	1 PER 300	10
SECOND FLOOR	2,997	1 PER 300	10
BLDG 2 / AUTO REPAIR	1,540	2 SPACES/BAY	1
TOTAL SPACES REQUIRED			28
ON STREET PARKING			5
OFF STREET PARKING			23
TOTAL SPACES PROVIDED			28

LIGHTING SCHEDULE							
TYPE	MANUFACTURER	CATALOG NUMBER	MOUNTING	AREA OF USE	LAMP VOLT	LAMP WATTS	DESCRIPTION
A	Lumark	MPWP-FC-70-120V	WALL	PARKING LOT	120	70W	Metal Halide 10" x 16 1/2" wall pak die cast aluminum housing



1 Site Plan  
1/8" = 1'-0"

6/22/16

Plot Plan

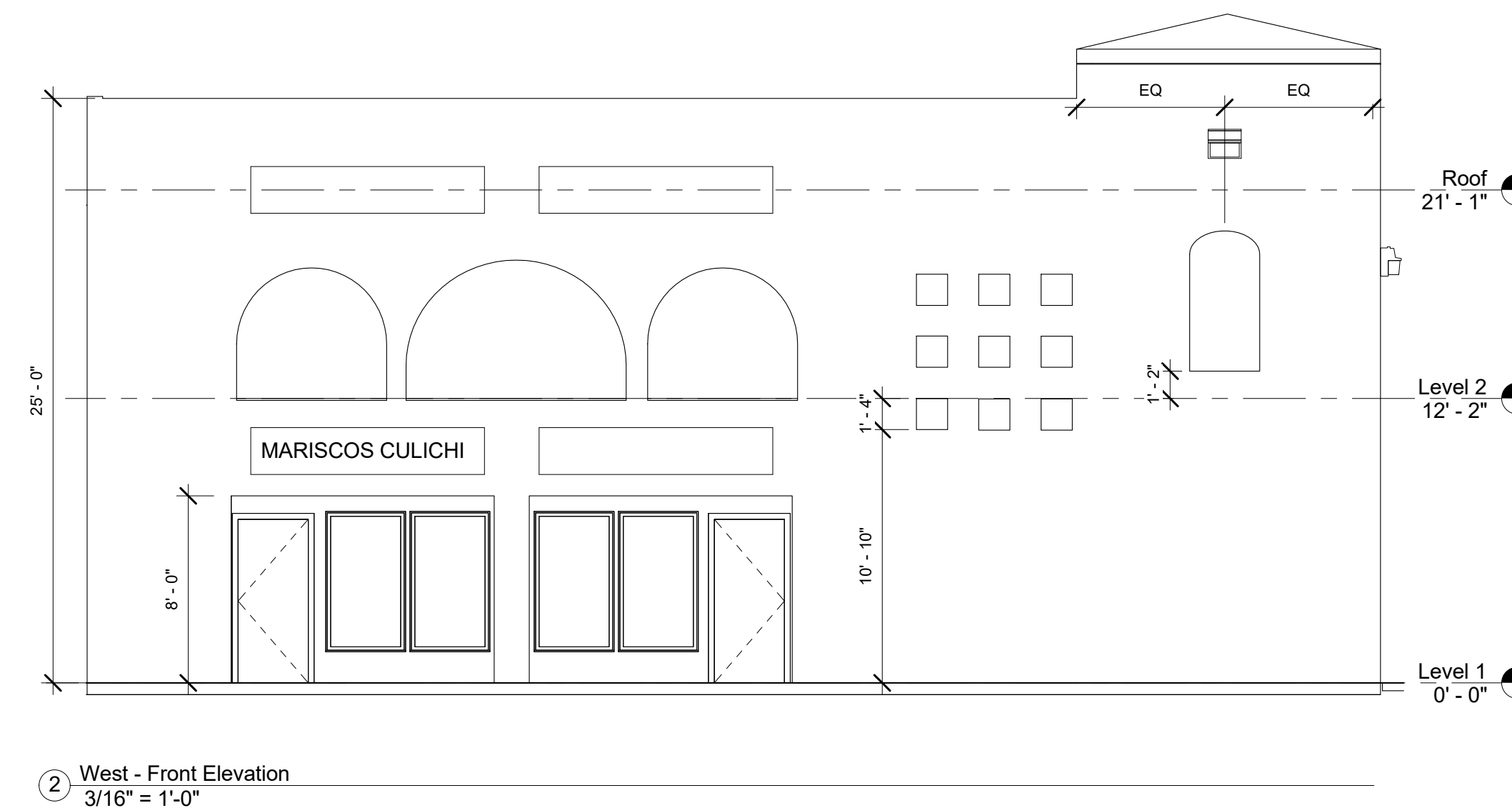
Project Mariscos Culichi  
Date 6/22/16  
Drawn by  
Checked by

A1

Scale 1/8" = 1'-0"

1419 San Fernando,  
CA 91340

**MARISCOS GULICHI**  
1419 San Fernando Rd, San Fernando, CA 914340



ITEM	DESCRIPTION	QTY.	BASE	MANUFACTURE & MODEL	WATER		WASTE
					HOT	COLD	
①	SERVICE COUNTER	1	LEGS	STAINLESS STEEL COUNTER	N/A	N/A	N/A
②	1 DOOR REFRIGERATOR	1	LEGS	BEVRAGE AIR - HBF23-1	N/A	N/A	SELF CON
③	FLOOR SINK	3	FLOOR	JSMITH - J101-Y			DIRECT
④	ICE MACHINE	1	LEGS	KROWNE	N/A	YES	FLOOR SI
⑤	RANGE/GRIDDLE	1	LEGS	COOKING PERFORMANCE GROUP 60-CPGV-68-24GS-26-35160CPG624G	N/A	N/A	
⑥	RANGE HOOD TYPE 1	1		ECONAIR-4'X 12'	N/A	N/A	FILTER
⑦	STORAGE SHELVEING	4	6" LEGS	24" x 72"	N/A	N/A	
⑧	2 DOOR REFRIGERATOR	1	CASTERS	AVANTCO - CFD SERIES 178CFD2RR	YES	YES	DIRECT
⑨	MOP SINK	1	LEGS	GSW - SE18181M			
⑩	1 COMPARTMENT SINK W/ S/S SPLASH GUARD	1		KROWNE	YES	YES	FLOOR SI
11	WATER HEATER - 75 BTU'S	1	6" STAND	AMERICAN - CG32-75T75-4NV-GAS WATER SUPPLY	YES	YES	FLOOR SI
⑫	3 COMPARTMENT SINK W/ 18" D.B BOTH SIDES	1	LEGS	GSW - SE18183D	N/A	N/A	SELF CON
⑬	2 DOOR FREEZER	1	CASTERS	AVANTCO - CFD SERIES 178CFD2RR	YES	YES	DIRECT
⑭	HAND SINK W/ SOAP & TOWEL DISP	1	WALL	GSW - HS-1615WG	N/A	N/A	SELF CON
⑮	S/S WORK TABLE	1	21" LEGS	REGENCY 16 GAUGE 24" X 84" WORK TABLE W / 4" BACK SPLASH	N/A	N/A	
⑯	S/S WORK TABLE	1	21" LEGS	REGENCY 16 GAUGE 24" X 84" WORK TABLE W / 4" BACK SPLASH			
⑰	AIR CURTAIN - MICRO-SWITCH ACTIVATED	1	R. DOOR				
⑱	SPARE						
⑲	SPARE						
⑳	SPARE						

No.	Description

6/22/16

Floor Plan / Elevation

Project	Mariscos Culichi
Date	6/22/16
Drawn by	Designer
Checked by	
A2	
Scale	As indicated

