



PLANNING AND PRESERVATION COMMISSION

REGULAR MEETING NOTICE AND AGENDA

MARCH 6, 2018 - 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 Yvonne G. Mejia
Commissioner Aida Montes
Commissioner Jennifer Perez-Helliwell

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

March 6, 2018

REORGANIZATION OF THE PLANNING AND PRESERVATION COMMISSION

- CALLS FOR NOMINATIONS OF CHAIRPERSON
- CALLS FOR NOMINATIONS OF VICE-CHAIR

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.

- 1) **Planning and Preservation Commission meeting minutes of October 24, 2017; and**
- 2) **Planning and Preservation Commission meeting minutes of December 12, 2017**

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CONTINUED BUSINESS

No items

NEW BUSINESS

- 3) **SUBJECT:** Request for a Determination of Public Convenience or Necessity
- LOCATION:** 911 San Fernando Road, San Fernando, CA 91340
- PROPOSAL:** The proposed “Project” is a request for a determination of public convenience or necessity in connection with the issuance of a license for the sale alcoholic beverages by the State of California Department of Alcoholic Beverage Control (ABC) at 911 San Fernando Road. Per City Code Section 106-180, whenever a request for a Determination of Public Convenience or Necessity is submitted to the City, the Planning and Preservation Commission shall make that determination and consider a prescribed set of criteria.
- APPLICANT:** Lee Rabun, CLR Enterprises, Inc. c/o the Truman House Tavern, Inc. – 420 S. San Pedro Street, Suite 225, Los Angeles, CA 90013
- RECOMMENDATION:** Staff recommends that the Planning and Preservation Commission approve Resolution No. 2018-001 making the Determination of Public Convenience or Necessity in connection with the issuance of a license by the Department of Alcoholic Beverage Control for the sale of alcoholic beverages at 911 San Fernando Road.
- 4) **SUBJECT:** Zone Text Amendment 2018-001 (ZTA 2018-001)
- LOCATION:** City of San Fernando – Citywide affecting all R-1 Single Family Residential Zones
- PROPOSAL:** Consideration of Zone Text Amendment 2018-001 recommending to the City Council Amending Section 106-6 (Definitions) of Article I (In General) of Chapter 106 (Zoning) to provide added clarification regarding the methodology for calculating lot area within R-1

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Residential Zones. The proposed zone text amendment would amend Sections 106-6 to state the following:

- a. Minimum lot size in the R-1 single family residential zone shall be 7,500 square feet; and
- b. Notwithstanding the definition of the term “lot area” as set forth under Section 106-6 of Article (In General) of Chapter 106 (Zoning) of the San Fernando Municipal Code, in computing the size of a lot in the R-1 single family residential zone, that portion of the width of all abutting street, alleys and/or highways which would revert to the lot if the street, highway were vacated may be assumed to be a portion to the lot. The methodology for computing lot area as set forth in the preceding sentence shall not be approval for purposes of any application or request to establish an accessory dwelling unit within the meaning of Section 106-358 (Regulation of Accessory Dwelling Units) of Division 2 (R-1 Single Family Residential Zone) of Article III (Zones) of chapter 106 (Zoning) of the San Fernando Municipal Code.

**Please note that upon consultation with the City Attorney, the Zoning Text Amendment is now proposed to City Code Section 106-6 (Definitions) of Article I (In General) of Chapter 106 (Zoning). In contrast, the Notice of Public Hearing published identified the proposed amendment instead in City Code Section 106-356 (Minimum Lot Size) of Division 2 (R-1 Single Family Residential Zone) of Article III (zones) of Chapter 106 (Zoning).*

APPLICANT:

City of San Fernando, (c/o Community Development Department), 117 Macneil Street, San Fernando, CA 91340

RECOMMENDATION:

Staff recommending the subsequent to the presentation and consideration of any public comment, the Planning and Preservation Commission approve Resolution No. 2018-002 recommending to the City Council:

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1. Adoption of the proposed Ordinance (Attachment No 2), “An Ordinance of the City Council of the City of San Fernando, California Amending Section 106-6 (Definitions of Article I (In General) of Chapter 106 (Zoning) of the San Fernando Municipal Code to provide added clarification regarding the methodology for calculating lot area within R-1 Residential Zones”; and

2. Affirm the City’s determination that the proposed Ordinance is not subject to CEQA pursuant to Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060 (c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly, and therefore no further environmental review is required.

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.

STAFF COMMUNICATIONS

None

COMMISSIONER COMMENTS

ADJOURNMENT

April 3, 2018

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.

Signed and Posted: Date and time

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



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

**DRAFT MINUTES OF THE
OCTOBER 24, 2017 MEETING
CITY HALL COUNCIL CHAMBER**

THE FOLLOWING MINUTES ARE A SUMMARY OF ACTIONS TAKEN BY THE PLANNING COMMISSION. AUDIO OF THE ACTUAL MEETING ARE AVAILABLE FOR LISTENING AT: www.ci.san-fernando.ca.us/commissionandboardmeetings/#ppc

CALL TO ORDER

The meeting was called to order by at 6:31 p.m. by Theale Haupt

ROLL CALL

The following persons were recorded as present:

PRESENT:

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

ABSENT:

Commissioner Jennifer Perez-Helliwell

ALSO PRESENT

City Attorney Richard Padilla, Contract Director Jack Wong, Contract Planner Amy Davis, and Community Development Secretary Michelle De Santiago

PLEDGE OF ALLEGIANCE

Led by Chairperson T. Haupt

APPROVAL OF AGENDA

Vice-chair A. Durham moved to approve the agenda of October 24, 2017, meeting. Seconded by Commissioner K. Beaulieu, the motion carried with the following vote:

AYES:	A. Durham, K. Beaulieu, Y. Mejia, and T. Haupt
NOES:	None
ABSENT:	J. Perez-Helliwell
ABSTAIN:	None

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CONSENT CALENDAR

No Items

UNFINISHED BUSINESS

None

PUBLIC HEARING

Site Plan Review 2017-037 (SPR 2017-037) – 120 N. Macneil Street, San Fernando, CA 91340 – Ying Kwan, City Engineer, City of San Fernando Public Works Department – 117 N. Macneil Street, San Fernando, CA 91340 – The proposal consist of a request to allow a 24' x 24' overhead canopy to project into the required 10-foot front yard setback in excess of the maximum allowance of 25 percent, pursuant to City Code Section 106-5(b). The installation of the overhead canopy is proposed in conjunction with upgrades to the existing Compressed Natural Gas (CNG) fuel station location at the Public Works Department Operation Center.

STAFF PRESENTATION

Jack Wong introduced the project providing a brief description of the existing site.

Amy Davis gave the staff presentation recommending that the Planning and Preservation Commission approve Site Plan Review 2017-037, allowing the 24' x 24' overhead canopy to project into the required 10-foot front yard setback in excess of the Maximum allowance of 25 percent, pursuant to Planning and Preservation Commission Resolution 2017-006 attached as Exhibit "A" to the Resolution (Attachment No. 1)

PUBLIC COMMENT

Julian Taylor, Serving as the "Contractor" from Clean Energy Fuel - 4675 MacArthur Court, Suite 800, Newport Beach, Ca - Mr. Taylor thanked staff and the Commission for their consideration of the proposal and made himself available to answer any questions the Commission may have about the project.

COMMISSION DISCUSSION

T. Haupt asked about the depth of the bollards at the location for purposes of protecting the equipment from oversized vehicles and fueling at the station. He expressed that the information should be included in the Plan Check submittal.

J. Taylor indicated that information would be part of the Plan Check documentation submitted to Building and Safety.

R. Padilla indicated that the details are essential to the infrastructure.

T. Haupt asked about the run-off and if it would drain into the street or onsite, he expressed concern with it running off into the street by way of the sidewalk and creating a slip hazard.

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J. Taylor indicated that they are still working on the design on either connect directly to a storm drain that goes out to the curb or collects at surface drain that leads to curb.

K. Beaulieu asked if the station is only used by City staff members?

J. Wong indicated that the station is a public facility.

K. Beaulieu asked if the size was compromised to accommodate the 25 percent or does it need to be bigger?

J. Taylor indicated that the canopy was sized so that there is adequate space on both sides, most vehicles will fit and it will provide enough space for two pumps.

Subsequent to discussion, Vice-chair A. Durham moved to approve Site Plan Review 2017-037 to allow a 24' x 24' overhead canopy to project into the required 10-foot front yard setback in excess of the maximum allowance of 25 percent, pursuant to City Code Section 106-5(b) which is being proposed in conjunction with upgrades to the existing Compressed natural Gas (CNG) fuel station location at the Public Works Department's Operation Center, Pursuant to Planning and Preservation Commission Resolution 2017-006 (Attachment No. 1). Seconded by Commissioner Y. Mejia, the motion carried with the following vote:

AYES:	A. Durham, Y. Mejia, K. Beaulieu, and T. Haupt
NOES:	None
ABSENT:	J. Perez-Helliwell
ABSTAIN:	None

PUBLIC HEARING

Planning Review 2017-048; Land Use Determination 2017-001 – 1026 Griswold Avenue #B, San Fernando, CA - A request for approval of Planning Review 2017-048 to allow the operation of a fitness training facility (with ancillary sale of supplements), based on the Planning and Preservation Commission's land use determination that "health clubs or centers", which include the proposed fitness training facility, are similar to or not more objectionable than any of the permitted uses within the m-1 (Limited Industrial) zone.

STAFF PRESENTATION

Amy Davis gave the staff presentation recommending that the Planning and preservation commission approve Planning Review 2017-048, authorizing the operation of a fitness training facility (with ancillary sale of supplements) at 1026 Griswold Avenue #B, based on the Commission's land use determination that "health clubs or centers", which include the proposed fitness training facility, are similar to or not more objectionable than any of the permitted uses within the M-1 (Limited Industrial) zone, pursuant to Planning and Preservation Commission Resolution 2017-007 (Attachment 1).

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PUBLIC COMMENT

Seema Sagar (the applicant) introduced herself to the commission and asked if the commission had any questions of her or her proposed operation.

COMMISSION DISCUSSION

K. Beaulieu asked if there will be any exercising outside of the facility.

S. Sagar indicated that all of the activity would be inside the location.

Y. Mejia asked about the parking at the rear and the lighting as well as access from the parking lot to the facility via the roll up door.

S. Sagar stated that there is sufficient lighting at the rear during the evening hours and that the roll up door would not be kept open to minimize the sound to the neighboring businesses.

T. Haupt asked how many clients the facility would be accommodating daily, hourly.

S. Sagar indicated that there will be no more than 20 clients per class.

K. Beaulieu indicated that the proposal does not indicate how many parking spaces are designated to her operation nor is the parking lot striped to clearly identify spaces. He expressed concern that parking will become an issue.

Y. Mejia indicted that she would like a better client count (exact times and schedules) before rendering a decision.

J. Wong requested a recess to discuss concerns with the applicant.

J. Wong suggested that the item be continued to allow additional time to gather more information on the concerns that the Commission had such as; noise level, parking, schedule of classes and potential conflicts with adjacent businesses.

Based on the suggestion Commissioner K. Beaulieu moved to continue Planning Review 2017-048 and Land Use Determination 2017-001 to the November 7, 2017 meeting to allow additional time to provide the commission with the information on the operation of the business. Seconded by Vice-chair A. Durham, the motion carried with the following vote:

AYES:	K. Beaulieu, A. Durham, Y. Mejia, and T. Haupt
NOES:	None
ABSENT:	J. Perez-Helliwell
ABSTAIN:	None

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STAFF COMMUNICATIONS

J. Wong informed the Commission that at 110 N. Maclay Avenue a Commercial Business Occupancy application for a restaurant was received and that they will be exercising the previously approved CUP for beer and wine.

COMMISSION COMMENTS

K. Beaulieu asked about the student pick-up and drop-off plan and no parking along Fourth Street during certain hours of the day at Nueva Esperanza that was supposed to be implemented as part of their approval of the Conditional Use Permit.

T. Haupt inquired about the status of the on-site parking for 650 Glenoaks Boulevard and revocation of his Certificate of Occupancy.

PUBLIC STATEMENTS

None

ADJOURNMENT

Vice-chair A. Durham moved to adjourn to November 7, 2017. Second by Commissioner K. Beaulieu, the motion carried with the following vote:

AYES:	A. Durham, K. Beaulieu, Y. Mejia, and T. Haupt, a
NOES:	None
ABSENT:	J. Perez-Helliwell
ABSTAIN:	None

7:22 P.M.

Planning Commission Secretary



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

**DRAFT MINUTES OF THE
DECEMBER 12, 2017 SPECIAL MEETING
CITY HALL COUNCIL CHAMBER**

THE FOLLOWING MINUTES ARE A SUMMARY OF ACTIONS TAKEN BY THE PLANNING COMMISSION. AUDIO OF THE ACTUAL MEETING ARE AVAILABLE FOR LISTENING AT: www.ci.san-fernando.ca.us/commissionandboardmeetings/#ppc

CALL TO ORDER

The meeting was called to order by Theale Haupt at 6:32 p.m.

ROLL CALL

The following persons were recorded as present:

PRESENT:

Chairperson Theale Haupt, Vice-chair Alvin Durham, Commissioner Jennifer Perez-Helliwell

ABSENT:

Commissioners Yvonne Mejia and Aida Montes

ALSO PRESENT

City Attorney Richard Padilla, Contract Director Jack Wong, Contract Planner Amy Davis and Community Development Secretary Michelle De Santiago

PLEDGE OF ALLEGIANCE

Led by Chairperson T. Haupt

APPROVAL OF AGENDA

Vice-chair A. Durham moved to approve the agenda of December 12, 2017 meeting. Seconded by J. Perez-Helliwell, the motion carried with the following vote:

AYES:	A. Durham, J. Perez-Helliwell, and T. Haupt
NOES:	None
ABSENT:	Y. Mejia and A. Montes
ABSTAIN:	None

CONSENT CALENDAR

Vice-chair A. Durham moved to approve the minutes of the November 7, 2017, Planning and Preservation Commission Meeting. Seconded by J. Perez-Helliwell, the motion carried with the following vote:

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AYES:	A. Durham, J. Perez-Helliwell, and T. Haupt
NOES:	None
ABSENT:	Y. Mejia and A. Montes
ABSTAIN:	None

*6:35 p.m. Aida Montes arrived

UNFINISHED BUSINESS

None

PUBLIC HEARING

Variance 2017-004 (VAR 2017-004) and Site Plan Review 2017-008 (SPR 2017-008) – 504 N. Maclay Avenue, San Fernando, CA 91340 – Shiv Talwar for Design Concepts, 3340 Riverside Drive, Suite M, Chino, CA 91710 – The project consists of a request for a reduction in landscape, parking, and setback requirements in conjunction with the demolition of an existing 2,204 square foot one-story structure and construction of a new 7,650 square foot two-story medical/professional office building. The subject site consists of one 90.48' x 125' lot, totaling approximately 11,310 square feet. The subject property is located on the east side of the 500 block of N. Maclay Avenue (between Library Street and Morningside Court) within the Maclay District of the San Fernando Corridors Specific Plan (SP-4) zone.

STAFF PRESENTATION

Amy Davis gave the staff presentation recommending that the Planning and Preservation Commission approval Variance 2017-004, pursuant to Planning and Preservation Commission Resolution No 2017-009 (Attachment No. 1) and the Conditions of Approval attached thereto as Exhibit “A” in order to allow for the reduction in landscape, parking, and setback requirement sin conjunction with the demolition of an existing 2,204 square foot one-story structure and construction of a new 7,650 square foot two-story medical/professional office building at the property located at 504 N. Maclay Avenue.

PUBLIC COMMENT

Patty Lopez - 432 N. Brand Blvd, called the Community Development Department and expressed her opinion regarding the proposal that was read into the records.

Frank Rizzo – E-mailed the Community Development Department and his letter was read into the record.

Nancy Ballares – 1015 Library Street, San Fernando, CA – Ms. Ballares asked that the Commission not allow the construction to take place. She indicated that she lives adjacent to the proposed site and that there is already a lack of parking in the area.

Kelly Duggen – 423 Macneil Street, San Fernando, CA - Ms. Duggen expressed her surprise to the size of the new building size. She indicated that there isn't enough room on the lot to accommodate such a large development. She stated that the area is already dealing with parking issues because of the close proximity of the school.

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Marcela Rodriguez – spoke in Spanish and Michelle De Santiago translated her comments for the commission. Mr. Rodriguez asked the commission to keep in mind the existing lack of parking at this location and the entire city. She stated that the area is already congested during the day with parents either dropping off or picking up children from the school.

Mary Mendoza – 623 S. Brand Blvd., San Fernando, CA – Ms. Mendoza asked that the commission not approve the proposed development. She asked if the building was in the inventory of potential historic locations. She stated that street parking should not be considered when factoring number of existing parking spaces.

Shiv Talwar project's architect – Mr. Talwar stated that he has been working with city staff for over a year now and he indicated that according to the property owner he doesn't believe that he will need all of the parking that is being required for the proposal.

COMMISSION DISCUSSION

A. Durham state that the parking requirements are set by Ordinance and are not negotiable.

J. Perez-Helliwell stated that she agrees with a comments that was made with regards to street parking should not be considered as part of the number of parking spaces available.

T. Haupt indicated that the parking ratios for medical/dental were changed a little over a year ago. Additionally he asked how much money was in the In-Lieu Parking fund and he stated that he would much rather see those funds go directly into the site for possibly underground parking.

A. Durham stated that there are already 24 dental offices in the City.

Eric Bibian – the applicant informed the commission that he is currently in the city and operates Mission City Orthodontics which he is currently renting. He stated that he knew that there would be challenges when he purchased the building because of the location. He informed that commission that he will be using approximately 12 spaces, of his 10 employees only 6 have cars and the rest would carpool and that he sees 5/6 patients every hour. Mr. Bibian stated that personally he doesn't think that parking will be an issue. He asked the commission if they would vote favorably if the parking deficiency was smaller.

A. Montes asked the applicant if he has considered building a smaller building.

E. Bibian asked what he can do in order to move the project proposal forward.

T. Haupt indicated that he should consider reducing the footprint of the building and get closer to the number of parking spaces needed for the building. He stated that the parking requirements are driven by the building size and it is just too large of a proposal for the Commission to consider making a favorable decision.

E. Bibian stated that he would like the Commission to consider continuation of the project to continue working with staff to propose a smaller building without requesting a variance for the

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parking. Mr. Bibian stated that he has operated his business in the city for 12 years and plans on being here for a long time. He indicated that it is not his intention to create problems but to help create better community.

Subsequent to discussion Vice-chair A. Durham moved to continue consideration for Variance 2017-004 and Site Plan Review 2017-008 to the next regularly scheduled Planning and Preservation Commission meeting. Seconded by Commission J. Perez-Helliwell, the motion carried with the following vote:

AYES:	A. Durham, J. Perez-Helliwell, A. Montes, and T. Haupt
NOES:	None
ABSENT:	Y. Mejia
ABSTAIN:	None

STAFF COMMUNICATIONS

None

COMMISSION COMMENTS

Chairperson expressed that he is excited to see that there is construction activity at 650 Glenoaks blvd., after years of non-compliance.

J. Perez-Helliwell stated that she is confident that after tonight's meeting project proposal at 504 N. Maclay Avenue is heading in the right direction.

PUBLIC STATEMENTS

None

ADJOURNMENT

Commissioner J. Perez-Helliwell moved to adjourn to January 2, 2018 meeting. Seconded by Commissioner A. Montes, the motion carried with the following vote:

AYES:	J. Perez-Helliwell, A. Montes, A. Durham, and T. Haupt
NOES:	None
ABSENT:	Y. Mejia
ABSTAIN:	None

7:26 P.M.

Planning Commission Secretary



MEETING DATE: March 6, 2018

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 Planning and Preservation Commission Resolution recommending that the City Council Zone Text Amendment 2018-001, Amending Section 106-6 (Definitions) of Article I (In General) of Chapter 106 (Zoning) of the San Fernando Municipal Code to provide added clarification regarding the methodology for calculating lot are within the R-1 residential zones.. ...” (Roll Call Vote)
 - b. To Deny:

“I move to deny Planning and Preservation Commission Resolution 2018-002 recommending denial of Zone Text Amendment 2018-001, based on the following... (Roll Call Vote)
 - c. To Continue:

“I move to continue consideration of Planning and Preservation Commission Resolution 2018-002, Zone Text Amendment 2018-001, to a date specific...” (Roll Call Vote)

Moved:_____

Seconded:_____

Roll Call:_____

ITEM 4:

Zone Text Amendment 2018-001



AGENDA REPORT

To: Planning and Preservation Commission Chairperson Haupt and Commissioners

From: Timothy Hou, Director of Community Development

Date: March 6, 2018

Subject: **Request for a Determination of Public Convenience or Necessity**
911 San Fernando Road, San Fernando, CA 91340
(Los Angeles County Assessor's Parcel No: 2522-002-003)

Proposal: The proposed "Project" is 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 State of California Department of Alcoholic Beverage Control (ABC) at 911 San Fernando Road. Per City Code Section 106-180, whenever a request for a determination of public convenience or necessity is submitted to the City, the Planning and Preservation Commission shall make that determination by considering a prescribed set of criteria.

The request would authorize the applicant, The Truman House Tavern, Inc., the sale of beer, wine, and distilled spirits for consumption on the subject premises where sold (Type 48 License: On Sale General – Public Premises). The subject site is located along the north side of the 900 block of San Fernando Road, between South Maclay Avenue and South Brand Boulevard, within the Downtown District of the San Fernando Corridors Specific Plan Zone (SP-5).

APPLICANT: Lee Rabun, CLR Enterprises, Inc. c/o the Truman House Tavern, Inc.
420 S. San Pedro Street, Suite 225, Los Angeles, CA 90013

RECOMMENDATION:

Staff recommends that the Planning and Preservation Commission approve Resolution 2018-001 (Attachment No. 1) making the Determination of Public Convenience or Necessity in connection with the issuance of a license by ABC for the sale of alcoholic beverages at 911 San Fernando Road.

PROJECT OVERVIEW:

On January 31, 2018, Lee Rabun, c/o the Truman House Tavern, Inc. (the "Applicant"), submitted a request for a Determination of Public Convenience or Necessity to allow for the sale of alcoholic beverages for consumption onsite (Type 48 License: On Sale General – Public

Premises) at 911 San Fernando Road (Attachment 2). ABC administers the licenses to sell and serve alcoholic beverages statewide. Truman House Tavern proposes to operate a gastro pub serving microbrews, crafted beverages and a fresh, modern food menu that would allow the sale of beer, wine and distilled spirits for consumption on the premises where sold.

An undue concentration of ABC licenses exists where the subject site is located within U.S. Census Tract No. 3203. State law requires ABC to deny the application if an undue concentration of ABC licenses exists in the census tract of the proposed location, unless the local governing body, in this case the Planning and Preservation Commission, determines that public convenience or necessity would be served by the issuance.

BACKGROUND:

1. General Plan Land Use and Zoning Designation: The Project Site at 911 San Fernando Road, Unit A is located within the Downtown District of the San Fernando Corridors Specific Plan Zone (SP-5) and maintains a San Fernando Corridors Specific Plan (SP-5) land use designation in the General Plan Land Use Element. The Project Site abuts similarly zoned properties within the SP-5 Zone.
2. Conditional Use Permit: Bar, tavern, and cocktail lounge uses in the Downtown District require approval of conditional use permits. In 1977, the City granted a conditional use permit to allow the on-sale service of alcoholic beverages at the subject site by approving Planning Commission Resolution No. 574 (Attachment No. 3). The conditional use permit remains in effect unless revoked by the Planning and Preservation Commission, pursuant to City Code Section 106-148.
3. Site Location and Description: The Project Site is an approximately 2,250 sq. ft. parcel (Los Angeles County Assessor Parcel No: 2522-002-003) along the north side of the 900 block of San Fernando Road, between South Maclay Avenue and South Brand Boulevard.

ANALYSIS:

1. Type 48 Alcohol License Provisions
The State of California'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 general – public premises license (Type 48) is administered by ABC. In California, such retail applicants are required to apply to ABC for the Type 48 license which authorizes the sale of beer, wine and distilled spirits for consumption on the premises where sold (food service is not required).

2. 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 either:

- 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; or
- 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))

Census Tract No. 3203 where the proposed site is located has an undue concentration of licenses, as 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. This tract encompasses the portion of San Fernando bounded by the railroad right-of-way to the north, Meyer Street and Hubbard Avenue to the west, Amboy Street to the south, and Fox Street to the east.

A review of ABC records updated December 2017 indicates that the ratio of on-sale licenses to population in Los Angeles County is 1-license-per-977-residents. Seven (7) existing on-sale alcohol licenses exist within Census Tract No. 3203, which has a population of 6,948 residents. If ABC were to issue a license for the Applicant, then there would be a total of eight (8) on-sale alcohol outlets in Census Tract No. 3203. This represents a ratio of 1-license-per-868-residents, which is higher than the ratio for Los Angeles County.

Despite the existence of an undue concentration of alcohol licenses, ABC may issue an alcohol license if the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance (Business and Professions Code Section 23958.4(b)(1)-(2)).

The Planning and Preservation Commission is designated as the subordinate body to make that determination as set forth under City Code Section 106-180. 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, the Planning and Preservation Commission shall consider the following factors for determining public convenience or necessity.

3. 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 (SP-5) in 2017 (the “Specific Plan”) allowed the City to enact policies for economic development and revitalization of the Maclay Avenue, Truman Street, San Fernando Road, and First Street corridors. The purpose of the Specific Plan is to transform these corridors, notably San Fernando Road, into attractive, livable, and economically vibrant districts. The site of the proposed use lies within one of these distinct districts, the Downtown District, which serves as the City’s functional center and contains most of its primary destinations including the San Fernando Mall, a distinctive “main-street” shopping district. The Specific Plan calls for development in the San Fernando Mall of ground-floor activity generating uses including retail shops, restaurants, and services.

In reviewing permit data from the California Department of Alcoholic Beverage Control for Census Tract 3203 updated December 2017, a total of 7 active on-sale and 4 off-sale alcohol licenses exist in the tract where the proposed use is located. This constitutes an undue concentration. However, the proposed use represents new investment that conveys a sense of uniqueness and community spirit in the Downtown District. This investment includes building façade reconstruction and full interior improvements. Such new investments contribute to city-wide revitalization which is the aim of the Specific Plan. Based on staff’s assessment, the proposed gastropub use would serve a niche market in the city that would not be filled by other existing businesses with alcoholic beverage licenses in the surrounding area. Therefore, it is staff’s assessment that public convenience or necessity would be served by issuance of this alcoholic beverage license.

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

Truman House Tavern would allow for the continued economic viability of the site consistent with similar commercial uses allowed within the Downtown District. Providing for the sale and on-site consumption of alcoholic beverages within the Downtown District promotes its goals of being a center of activity in the city and enhances the vitality of the retail center and adjacent food sales and services along San Fernando Road. The proposed use will serve as a core attraction to the Downtown District drawing both new visitors and long-time residents seeking an active vibrant “round the clock” living environment. Approval of the permit authorizing the sale of alcohol for consumption on the premises will help eliminate an otherwise vacant retail site and will help diminish economic and physical blight in the Downtown District that contributes to a sub-optimal retail environment and visitor experience in the Downtown commercial corridor. According to the Specific Plan, the proposed use is a new business of the type that the community feels are missing. Further, the Downtown District as the core of the City, is where the most active types of independent retail, small-scale storefronts such as the proposed use shall be located. 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;**

Redevelopment of the existing building for the proposed use by Truman House Tavern includes redevelopment of the building interior and a new brick façade which significantly enhances the architectural character at the location, which was previously a vacant storefront. The interior tenant improvements will convey an attractive industrial steampunk aesthetic. The improvements would retain the character of San Fernando Road’s commercial retail corridor as a walkable outdoor pedestrian oriented retail mall. The Downtown District has suffered for many decades from a lack of new private investment and consequently presents a less than attractive image of the community to visitors and residents. The issuance of the requested permit to allow for the sale of alcohol for consumption on the premises would promote the continued success of an important business type in the commercial corridor and foster elimination of physical blight. 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.**

The proposed use is subject 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."

The conditions of approval for the existing conditional use permit include that the owner to whom the conditional use permit is granted shall comply with all applicable federal, state and municipal laws, ordinances, rules and regulations in the conduct of its business on the subject premises. Thus, the owners and employees of Truman House Tavern shall be responsible for complying with these conditions of approval for the existing conditional use permit and all required conditions from ABC. Thus, it is staff's assessment that this finding can be made in the case.

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

Truman House Tavern complements other existing eating establishments within the commercial center, alongside existing retail and personal service uses. The development standards for the Downtown District allow for the on-site consumption of alcoholic beverages. The proposed use will add an attractive business for patrons that enhances dining and nightlife activity in the Downtown, which has historically served as the center for restaurants, nightlife, and entertainment for residents and visitors to the community. Thus, it is staff's assessment that this finding can be made in the 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, staff requested data from the San Fernando Police Department for the Crime Report Area for where the Project Site is located in U.S. Census Tract No. 3203. The proposed use, Truman House Tavern, is located at 911 San Fernando Road within the City's SP-5 Zone as well as the San Fernando Police Department's crime reporting District No. 3. District No. 3 encompasses the portion of San Fernando bounded by the railroad right-of-way to the north, Meyer Street and Hubbard Avenue to the west, Amboy Street to the south, and Fox Street to the east.

Per San Fernando Police Department data from February 1st, 2017 to January 31st, 2018, the proposed location generated two calls for service, one emergency and one non-emergency. No arrests resulted from either call. These calls for service were a result of a prior business operation which closed, not from Truman House Tavern which has not opened yet. The proposed operator for Truman House Tavern has no known history of law enforcement problems.

Occupancy of the proposed location for the proposed use is not expected to increase the demand for law enforcement calls for service. Furthermore, any noncompliance with conditions of approval for the existing Conditional Use Permit would require enforcement action by the City of San Fernando to abate any public nuisance. Repeated noncompliance would constitute grounds for revocation of the existing Conditional Use Permit. No significant recent criminal activity has occurred at the Project Site and sufficient safeguards are in place to abate any potential public nuisance issues that may arise. 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 proposed use is located at 911 San Fernando Road within U.S. Census Tract 3203. Data from the San Fernando Police Department identifies U.S. Census Tract 3203 as a complete crime reporting area referred to as District No. 3. This district encompasses the portion of San Fernando bounded by the railroad right-of-way to the north, Meyer Street and Hubbard Avenue to the west, Amboy Street to the south, and Fox Street to the east. Overall, San Fernando is divided into three crime reporting areas of generally similar geographic size.

Per San Fernando Police Department data from February 1st, 2017 to January 31st, 2018, 36-percent of crimes citywide were generated from District No. 3. This rate is proportional to the other two crime reporting areas (No.'s 1 and 2). The proposed site is not in a reporting district that has a 20 percent greater number of reported crimes than the percentage of crimes from all crime reporting districts within the jurisdiction of the San Fernando Police Department, the local law enforcement agency. Furthermore, the conditions under the existing Conditional Use Permit would allow for the City of San Fernando to abate public nuisances associated with alcohol sale and consumption on premises. 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.

Per San Fernando Police Department data from February 1st, 2017 to January 31st, 2018, zero calls for service, zero crimes, and zero arrests to the site of the proposed use were for alcohol-related incidents. The San Fernando Police Department does not track the number of alcohol-related police calls for service by district. Lastly, the conditions under the existing Conditional Use Permit would allow for the City of San Fernando to abate public nuisances associated with alcohol sale and consumption on premises. 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 the Commission approve Planning and Preservation Commission Resolution No. 2018-001, making the Determination of Public Convenience or Necessity and it is warranted. This determination would facilitate the development of a new retail use, a gastropub, which seeks to draw patrons to the Downtown District and eliminates an otherwise vacant storefront on the San Fernando Mall. Accommodation of this use is consistent with the General Plan's goals and objectives for the Downtown District of the Specific Plan.

ATTACHMENTS:

1. Planning and Preservation Commission Resolution 2018-001
2. ABC-245 Application for Truman House Tavern
3. Planning Commission Resolution No. 574

RESOLUTION NO. 2018-001

A RESOLUTION OF THE PLANNING AND PRESERVATION COMMISSION OF THE CITY OF SAN FERNANDO MAKING FINDINGS OF PUBLIC NECESSITY AND CONVENIENCE PURSUANT TO SUBSECTION (B)(2) OF CALIFORNIA BUSINESS & PROFESSIONS CODE SECTION 23958.4 AND MAKING RELATED DETERMINATIONS AS REQUIRED UNDER SAN FERNANDO MUNICIPAL CODE SECTION 106-180 REQUIRED BY APPLICANT LEE RABUN, CLR ENTERPRISES, INC. C/O THE TRUMAN HOUSE TAVERN, INC. IN ORDER TO OBTAIN A TYPE 48 LICENSE: ON SALE GENERAL – PUBLIC PREMISIES FROM THE CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

WHEREAS, pursuant to Business & Professions Code Section 23958, the California Department of Alcoholic Beverage Control (“ABC”) “shall” deny an application for the issuance of a State license authorizing the sale and/or serving of alcoholic beverages if the issuance of such a license “would tend to create a law enforcement problem, or if issuance would result in or add to an undue concentration of licenses, except as provided under Section 23958.4” of the Business & Professions Code; and

WHEREAS, under Business & Professions Code Section 23958.4, even if ABC finds that the issuance of a license would tend to create a law enforcement problem or would result in or add to an undue concentration of licenses, ABC may still issue certain licenses authorizing the sale and/or serving of alcoholic beverages if the local governing body of the area in which the applicant premises is located, or its designated subordinate body, determines within ninety (90) days of notification of a completed application that *public convenience or necessity* would be served by the issuance of such a license (Business & Professions Code Section 23958.4(b)(2)); and

WHEREAS, for purposes of Business & Professions Code Section 23958.4 the San Fernando City Council (“City Council”) is a “local governing body” and the San Fernando Planning and Preservation Commission (“Commission”) is the City Council’s “designated subordinate body”; and

WHEREAS, Section 106-180 (Factors for determining public convenience or necessity) sets forth several factors the Commission shall consider in making the determination that the public convenience or necessity of ABC issuing a requested license would be served notwithstanding ABC’s prior finding of undue concentration or other applicable grounds for denying such an application; and

WHEREAS, Lee Rabun, CLR Enterprises Inc. c/o Truman House Tavern, Inc. whose principal place of business is 420 S. San Pedro Street, Suite 225, Los Angeles, California (“Applicant”) has applied to ABC in order to obtain a Type 48 License: On Sale General – Public Premises for its business establishment located at 911 San Fernando Road, San Fernando, California (the “Property”).

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

SECTION 1: 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 Commission, in making that determination, shall consider the factors which are enumerated under Section 106-180 (Factors for determining public convenience or necessity) of the San Fernando Municipal Code. With respect to each of these enumerated factors, the Commission makes the following findings:

(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 (SP-5) in 2017 (the “Specific Plan”) allowed the City to enact policies for economic development and revitalization of the Maclay Avenue, Truman Street, San Fernando Road, and First Street corridors. The purpose of the Specific Plan is to transform these corridors, notably San Fernando Road, into attractive, livable, and economically vibrant districts. The site of the proposed use lies within one of these distinct districts, the Downtown District, which serves as the City’s functional center and contains most of its primary destinations including the San Fernando Mall, a distinctive “main-street” shopping district. The Specific Plan calls for development in the San Fernando Mall of ground-floor activity generating uses including retail shops, restaurants, and services.

In reviewing permit data from the California Department of Alcoholic Beverage Control for Census Tract 3203 updated December 2017, a total of 7 active on-sale and 4 off-sale alcohol licenses exist in the tract where the proposed use is located. However, the proposed use represents new investment that conveys a sense of uniqueness and community spirit in the Downtown District. This investment includes building façade reconstruction and full interior improvements. Such new investments contribute to city-wide revitalization which is the aim of the Specific Plan. Based on staff’s assessment, the proposed gastropub use would serve a niche market in the city that would not be filled by other existing businesses with alcoholic beverage licenses in the surrounding area. Therefore, it is staff’s assessment that public convenience or necessity would be served by issuance of this alcoholic beverage license.

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

Truman House Tavern would allow for the continued economic viability of the site consistent with similar commercial uses allowed within the Downtown District. Providing for the sale and on-site consumption of alcoholic beverages within the Downtown District promotes its goals of being a center of activity in the city and enhances the vitality of the retail center and adjacent food sales and services along San Fernando Road. The proposed use will serve as a core attraction to the Downtown District drawing both new visitors and long-time residents seeking an active vibrant “round the clock” living environment. Approval of the permit authorizing the sale of alcohol for consumption on the premises will help eliminate an otherwise vacant retail site and will help diminish economic and

physical blight in the Downtown District that contributes to a sub-optimal retail environment and visitor experience in the Downtown commercial corridor. According to the Specific Plan, the proposed use is a new business of the type that the community feels are missing. Further, the Downtown District as the core of the City, is where the most active types of independent retail, small-scale storefronts such as the proposed use shall be located. Thus, it is staff's assessment that this finding can be made in this case.

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

Redevelopment of the existing building for the proposed use by Truman House Tavern includes redevelopment of the building interior and a new brick façade which significantly enhances the architectural character at the location, which was previously a vacant storefront. The interior tenant improvements will convey an attractive industrial steampunk aesthetic. The improvements would retain the character of San Fernando Road's commercial retail corridor as a walkable outdoor pedestrian oriented retail mall. The Downtown District has suffered for many decades from a lack of new private investment and consequently presents a less than attractive image of the community to visitors and residents. The issuance of the requested permit to allow for the sale of alcohol for consumption on the premises would promote the continued success of an important business type in the commercial corridor and foster elimination of physical blight. Thus, it is staff's assessment that this finding can be made in this case.

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

The proposed use is subject 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."

The conditions of approval for the existing conditional use permit include that the owner to whom the conditional use permit is granted shall comply with all applicable federal, state and municipal laws, ordinances, rules and regulations in the conduct of its business on the subject premises. Thus, the owners and employees of Truman House Tavern shall be responsible for complying with these conditions of approval for the existing conditional use permit and all required conditions from ABC. Thus, it is staff's assessment that this finding can be made in the case.

(5) The extent to which the proposed use complements uses in the surrounding area.

Truman House Tavern complements other existing eating establishments within the commercial center, alongside existing retail and personal service uses. The development standards for the Downtown District allow for the on-site consumption of alcoholic beverages. The proposed

use will add an attractive business for patrons that enhances dining and nightlife activity in the Downtown, which has historically served as the center for restaurants, nightlife, and entertainment for residents and visitors to the community. Thus, it is staff's assessment that this finding can be made in the case.

(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, staff requested data from the San Fernando Police Department for the Crime Report Area for where the Project Site is located in U.S. Census Tract No. 3203. The proposed use, Truman House Tavern, is located at 911 San Fernando Road within the City's SP-5 Zone as well as the San Fernando Police Department's crime reporting District No. 3. District No. 3 encompasses the portion of San Fernando bounded by the railroad right-of-way to the north, Meyer Street and Hubbard Avenue to the west, Amboy Street to the south, and Fox Street to the east.

Per San Fernando Police Department data from February 1st, 2017 to January 31st, 2018, the proposed location generated two calls for service, one emergency and one non-emergency. No arrests resulted from either call. These calls for service were a result of a prior business operation which closed, not from Truman House Tavern which has not opened yet. The proposed operator for Truman House Tavern has no known history of law enforcement problems.

Occupancy of the proposed location for the proposed use is not expected to increase the demand for law enforcement calls for service. Furthermore, any noncompliance with conditions of approval for the existing Conditional Use Permit would require enforcement action by the City of San Fernando to abate any public nuisance. Repeated noncompliance would constitute grounds for revocation of the existing Conditional Use Permit. No significant recent criminal activity has occurred at the Project Site and sufficient safeguards are in place to abate any potential public nuisance issues that may arise. Thus, it is staff's assessment 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 proposed use is located at 911 San Fernando Road within U.S. Census Tract 3203. Data from the San Fernando Police Department identifies U.S. Census Tract 3203 as a complete crime reporting area referred to as District No. 3. This district encompasses the portion of San Fernando bounded by the railroad right-of-way to the north, Meyer Street and Hubbard Avenue to the west, Amboy Street to the south, and Fox Street to the east. Overall, San Fernando is divided into three crime reporting areas of generally similar geographic size.

Per San Fernando Police Department data from February 1st, 2017 to January 31st, 2018, 36-percent of crimes citywide were generated from District No. 3. This rate is proportional to the other two crime reporting areas (No.'s 1 and 2). The proposed site is not in a reporting district that has a 20 percent greater number of reported crimes than the percentage of crimes from all crime reporting districts within the jurisdiction of the San Fernando Police Department, the local law enforcement agency. Furthermore, the conditions under the existing Conditional Use Permit would allow for the

City of San Fernando to abate public nuisances associated with alcohol sale and consumption on premises. Thus, it is staff's assessment 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.

Per San Fernando Police Department data from February 1st, 2017 to January 31st, 2018, zero calls for service, zero crimes, and zero arrests to the site of the proposed use were for alcohol-related incidents. The San Fernando Police Department does not track the number of alcohol-related police calls for service by district. Lastly, the conditions under the existing Conditional Use Permit would allow for the City of San Fernando to abate public nuisances associated with alcohol sale and consumption on premises. Thus, it is staff's assessment that this finding can be made.

SECTION 2. In recognition of the forgoing findings made in accordance with Section 106-180 (Factors for determining public convenience or necessity) and in accordance Business & Professions Code Section 23958.4(b)(2), the Commission hereby finds the the public convenience and necessity would be served by ABC's issuance of Type 48 License: On Sale General – Public Premises for the Applicant's business operations located at 911 San Fernando Road, San Fernando, California.

SECTION 3. The Commission as lead agency for purposes of the California Environmental Quality Act, does hereby find and determine that the proposed project falls within the definition of Categorical Exemptions, Section 15301, Class 1 (Existing Facilities) as defined in the State CEQA Guidelines, and is therefore, exempt from the requirement to prepare additional environmental documentation.

SECTION 4. The City Manager or designee are authorized to execute on behalf of the City such document as may be required by ABC to consummate and finalize its approval of the license sought by Applicant for the specific type of license referenced under this Resolution.

SECTION 5. This Resolution shall take effect immediately upon approval by the Commission and is predicated on the Applicant's strict compliance with the terms and conditions of the license issued by ABC and all applicable provisions of the San Fernando Municipal Code as the same may be amended from time to time by the City Council.

SECTION 6. The Secretary of the Commission shall certify to the passage of this Resolution shall forthwith transmit to the City Clerk and to ABC a copy of this Resolution, together with the minutes of the proceedings before the Commission and all related correspondence and other documentation pertaining to the same.

PASSED, APPROVED AND ADOPTED this 6th day of March 2018.

(Signatures to follow on the next page)

CHAIRPERSON

ATTEST:

TIMOTHY HOU, DIRECTOR OF COMMUNITY DEVELOPMENT
AND SECRETARY TO THE PLANNING AND PRESERVATION COMMISSION

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

I, TIMOTHY HOU, Secretary to the Planning and Preservation Commission of the City of San Fernando, do hereby certify that the foregoing Resolution No. 2018-001 was duly adopted by the Planning and Preservation Commission and signed by the Chairperson of said City at a meeting held on the 6th day of March 2018; and that the same was passed by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

TIMOTHY HOU, DIRECTOR OF COMMUNITY DEVELOPMENT
AND SECRETARY TO THE PLANNING AND PRESERVATION
COMMISSION

Department of Alcoholic Beverage Control

State of California
Edmund G. Brown Jr., Governor

INFORMATION AND INSTRUCTIONS -

SECTION 23958.4 B&P

- Instructions This form is to be used for all applications for original issuance or premises to premises transfer of licenses.
- Part 1 is to be completed by an ABC employee, given to applicant with pre-application package, with copy retained in holding file or applicant's district file.
 - Part 2 is to be completed by the applicant, and returned to ABC.
 - Part 3 is to be completed by the local governing body or its designated subordinate officer or body, and returned to ABC.

PART 1 - TO BE COMPLETED BY ABC

1. APPLICANT'S NAME

TRUMAN HOUSE TAVERN INC THE

2. PREMISES ADDRESS (Street number and name, city, zip code)

911 SAN FERANDO RD., SAN FERNANDO, CA 91340

3. LICENSE TYPE

48

4. TYPE OF BUSINESS

Full Service Restaurant	Hofbrau/Cafeteria	<input checked="" type="checkbox"/> Cocktail Lounge	Private Club
Deli or Specialty Restaurant	Comedy Club	<input type="checkbox"/> Night Club	Veterans Club
Cafe/Coffee Shop	Brew Pub	Tavern: Beer	Fraternal Club
Bed & Breakfast:	Theater	Tavern: Beer & Wine	Wine Tasting Room
Wine only	All		
Supermarket	Membership Store	Service Station	Swap Meet/Flea Market
Liquor Store	Department Store	Convenience Market	Drive-in Dairy
Drug/Variety Store	Florist/Gift Shop	Convenience Market w/Gasoline	
Other - describe:			

5. COUNTY POPULATION

6. TOTAL NUMBER OF LICENSES IN COUNTY

7. RATIO OF LICENSES TO POPULATION IN COUNTY

8. CENSUS TRACT NUMBER

3203

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT

6

10. NO. OF LICENSES EXISTING IN CENSUS TRACT

'13

11. IS THE ABOVE CENSUS TRACT OVERCONCENTRATED WITH LICENSES? (i.e., does the ratio of licenses to population in the census tract exceed the ratio of licenses to population for the entire county?)

☒ Yes, the number of existing licenses exceeds the number allowed

No, the number of existing licenses is lower than the number allowed

12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?

Yes (Go to Item #13)

☒ No (Go to Item #20)

13. CRIME REPORTING DISTRICT NUMBER

14. TOTAL NUMBER OF REPORTING DISTRICTS

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

16. AVERAGE NO. OF OFFENSES PER DISTRICT

17. 120% OF AVERAGE NUMBER OF OFFENSES

18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

19. IS THE PREMISES LOCATED IN A HIGH CRIME REPORTING DISTRICT? (i.e., has a 20% greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency)

Yes, the total number of offenses in the reporting district equals or exceeds the total number in item #17

No, the total number of offenses in the reporting district is lower than the total number in item #17

20. CHECK THE BOX THAT APPLIES (check only one box)

a. If "No" is checked in both item #11 and item #19, Section 23958.4 B&P does not apply to this application, and no additional information will be needed on this issue. Advise the applicant to bring this completed form to ABC when filing the application.

b. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for a non-retail license, a retail bona fide public eating place license, a retail license issued for a hotel, motel or other lodging establishment as defined in Section 25503.16(b) B&P, or a retail license issued in conjunction with a beer manufacturer's license, or winegrower's license, advise the applicant to complete Section 2 and bring the completed form to ABC when filing the application or as soon as possible thereafter.

c. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-sale beer license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license, advise the applicant to take this form to the local governing body, or its designated subordinate officer or body to have them complete Section 3. The completed form will need to be provided to ABC in order to process the application.

Governing Body/Designated Subordinate Name:

FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee)

VILMA V. RIVERA 12/18/2017 #589321

ABC-245 (rev. 01-11)

PART 2 - TO BE COMPLETED BY THE APPLICANT (If box #20b is checked)

21. Based on the information on the reverse, the Department may approve your application if you can show that public convenience or necessity would be served by the issuance of the license. Please describe below the reasons why issuance of another license is justified in this area. You may attach a separate sheet or additional documentation, if desired. Do *not* proceed to Part 3.

22. APPLICANT SIGNATURE

23. DATE SIGNED

12-18-17

PART 3 - TO BE COMPLETED BY LOCAL OFFICIALS (If box #20c is checked)

The applicant named on the reverse is applying for a license to sell alcoholic beverages at a premises where undue concentration exists (i.e., an over-concentration of licenses and/or a higher than average crime rate as defined in Section 23958.4 of the Business and Professions Code). Sections 23958 and 23958.4 of the Business and Professions Code requires the Department to deny the application unless the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance. Please complete items #24 to #30 below and certify or affix an official seal, or attach a copy of the Council or Board resolution or a signed letter on official letterhead stating whether or not the issuance of the applied for license would serve as a public convenience or necessity.

24. WILL PUBLIC CONVENIENCE OR NECESSITY BE SERVED BY ISSUANCE OF THIS ALCOHOLIC BEVERAGE LICENSE?

Yes

No

See Attached (i.e., letter, resolution, etc.)

25. ADDITIONAL COMMENTS, IF DESIRED (may include reasons for approval or denial of public convenience or necessity):

26. CITY/COUNTY OFFICIAL NAME

27. CITY/COUNTY OFFICIAL TITLE

28. CITY/COUNTY OFFICIAL PHONE NUMBER

29. CITY/COUNTY OFFICIAL SIGNATURE

30. DATE SIGNED

#589321

CLR ENTERPRISES, INC.
420 S. SAN PEDRO ST., STE. 225
LOS ANGELES, CA 90013
(213) 229-4300

January 31, 2018

TO: Francisco Villalva
San Fernando City Hall

From: Lee Rabun
CLR Enterprises, Inc.

RE: The Truman House Tavern, Inc.
911 San Fernando Rd.
San Fernando, CA 91340

Dear Francisco:

Per your request, please find the original ABC-245 for your signature. Please complete the highlighted, if you have any questions please don't hesitate to contact us. Thank you.

Sincerely,

Lee Rabun
President, Chief Consultant

RESOLUTION NO. 574

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN FERNANDO RECOMMENDING TO THE COUNCIL OF SAID CITY THAT A CONDITIONAL USE PERMIT BE GRANTED TO ALLOW THE SALE OF LIQUOR ON THAT PROPERTY LOCATED IN A C-1 (COMMERCIAL) ZONE WHICH PROPERTY IS KNOWN AS 911 SAN FERNANDO ROAD.

The Planning Commission of the City of San Fernando does resolve as follows:

SECTION I: An application having heretofore been filed by LEONARD CARTER, DBA Golden Hawk, with the Planning Commission of the City of San Fernando pursuant to Section 18.3 of Ordinance No. 423 of said City adopted December 26, 1945, asking and requesting that certain property on the northeasterly side of San Fernando Road, known as 911 San Fernando Road and described as follows:

Lot 5, in Tract No. 3674, in the City of San Fernando, County of Los Angeles, State of California, as recorded in Book 47 Page 42 of Maps, in the office of the County Recorder of said County;

be granted a Conditional Use Permit so as to allow the applicant to sell liquor on the premises for consumption on the premises in conjunction with the establishment and maintenance of a bar wherein the principal business at this address would be the sale of beer, wine, and liquor, and said application having been set for public hearing before the Planning Commission on August 11, 1977, and notice of the time and place of said hearing having been given as required by law; and said hearing having been had and all evidence presented having been considered; and there was one person appearing in favor of the proposed conditional use permit: LEONARD CARTER, 25238 Vermont Drive, Newhall, and there was one person appearing asking questions regarding this application: ROY RICHARDSON, 1040 San Fernando Road, San Fernando; and there was no one present appearing in opposition to the proposed conditional use permit; and after all evidence having been duly considered and after studying said application, plot plan, departmental reports and after due deliberation, this Commission finds that the application for Conditional Use Permit is in accord with the requirements for Conditional Use Permits as enumerated in Section 18.3, subsection c, Item 1-7 of Ordinance No. 423 as amended as follows:

1. The use applied for at the location set forth in the application is properly one for which a conditional use permit is authorized by this chapter.
2. The use is not contrary to the various elements or objectives of

the general plan and is not detrimental to existing uses or to uses specifically permitted in the zone in which the proposed use is to be located.

3. The use will be compatible with other uses on the same lot, and in the general area in which the use is proposed to be located.

4. All property development standards required by this chapter will be complied with.

5. The site for the proposed use is adequate in size and shape to accommodate the use and all of the yards, setbacks, walls, fences, landscaping and other features required to adjust the use of the existing or future uses permitted in the neighborhood.

6. The site for the proposed use relates to street and highways properly designed and improved to carry the type and quantity of traffic generated or to be generated by the proposed use.

7. The conditions imposed are necessary to protect the public health, convenience, safety, and welfare.

SECTION II: Therefore, in consideration of the foregoing, and as the applicant has stated this commercial establishment will be primarily for the sale of alcoholic beverages (liquor, beer & wine) to the public, this Commission recommends to the Council of the City of San Fernando that the Conditional Use Permit as applied for to sell liquor at 911 San Fernando Road be approved subject to the following conditions:

1. Hours of operation shall be as governed by the Alcoholic Beverage Control.

2. The Conditional Use Permit herein granted is not transferable. Any transfer of the business conducted upon the premises shall automatically terminate the conditional use permit herein granted.

3. The owner to whom the conditional use permit is granted hereunder shall comply with all applicable federal, state and municipal laws, ordinances, rules and regulations in the conduct of his business on the subject premises.

4. If at any time the operation of the business and/or the sale of liquor in conjunction therewith becomes a nuisance or creates or constitutes more than ordinary police problems, the City Council after hearing, as herein-after provided, may revoke the conditional use permit herein granted or may modify and amend the same in such manner as it may determine to attempt to abate the nuisance and eliminate the police problem.

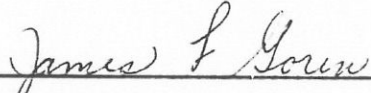
5. The conditions as set forth herein under which such conditional use permit is granted may, after hearing by the Council as hereinafter provided, be modified and amended and new conditions added.

6. The sale of food is restricted until all requirements and conditions as established by the Los Angeles County Health Department have been met and approval by same.

7. The violation by the owner or breach of any of the conditions herein set forth or the occurrence of any of the events which would constitute a breach or violation of any of such conditions shall terminate the conditional use permit but only after a public hearing conducted by the City Council, after at least fifteen (15) days written notice of such hearing given to the owner either personally or by certified mail. The Council in connection with such hearing may refer the matter to the Planning Commission and other departments of the City for report and recommendation and the Council at the time of hearing may consider the reports and recommendations of the Planning Commission and the various departments of the City and any and all other evidence offered at such hearing. If from the reports, recommendations, and evidence presented at such hearing the City Council finds and determines that a breach and/or violation of any such condition or conditions exists and conditional use permit shall be revoked and all rights thereunder and thereon shall terminate and cease.

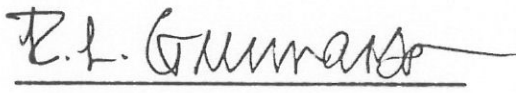
SECTION III: The Secretary of the Planning Commission shall certify to the passage of this Resolution and shall forthwith transmit to the City Council a copy of this Resolution, together with the minutes of the determinations of this Commission, and together with copies of all minutes and correspondence pertaining thereto.

ADOPTED this 25th day of August, 1977.



CHAIRMAN OF THE PLANNING COMMISSION

ATTEST:



SECRETARY OF THE PLANNING COMMISSION

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

I, R. L. GUNNARSON, Secretary of the Planning Commission of the City of San Fernando, do hereby certify that the foregoing Resolution was adopted by the Planning Commission of the City of San Fernando, and signed by the Chairman of said Commission at a regular meeting thereof held on the 25th of August, 1977, and the same was passed by the following vote, to-wit:

AYES: Blackhurst, Finwall, Kahle, Heredia-4

NOES: None

ABSENT: Gorin, Mackin-2



SECRETARY OF THE PLANNING COMMISSION



MEETING DATE: March 6, 2018

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 Planning and Preservation Commission Resolution recommending that the City Council Zone Text Amendment 2018-001, Amending Section 106-6 (Definitions) of Article I (In General) of Chapter 106 (Zoning) of the San Fernando Municipal Code to provide added clarification regarding the methodology for calculating lot are within the R-1 residential zones.. ...” (Roll Call Vote)
 - b. To Deny:

“I move to deny Planning and Preservation Commission Resolution 2018-002 recommending denial of Zone Text Amendment 2018-001, based on the following... (Roll Call Vote)
 - c. To Continue:

“I move to continue consideration of Planning and Preservation Commission Resolution 2018-002, Zone Text Amendment 2018-001, to a date specific...” (Roll Call Vote)

Moved:_____

Seconded:_____

Roll Call:_____

ITEM 4:

Zone Text Amendment 2018-001



AGENDA REPORT

To: Planning and Preservation Commission Chairperson Haupt and Commissioners

From: Timothy Hou, Director of Community Development

Date: March 6, 2018

Subject: Consideration of Zone Text Amendment 2018-001, recommending to the City Council Amending Section 106-6 (Definitions) of Article I (In General) of Chapter 106 (Zoning) of the San Fernando Municipal Code to provide added clarification regarding the methodology for calculating lot area within the R-1 residential zones.

RECOMMENDATION:

Staff recommends that, subsequent to the presentation and consideration of any public comment, the Planning and Preservation Commission approve the attached Resolution No. 2018-002 (Attachment No. 1) recommending to the City Council:

- 1) Adoption of the proposed Ordinance (Attachment No. 2), "An Ordinance of the City Council of the City of San Fernando, California Amending Section 106-6 (Definitions of Article I (In General) of Chapter 106 (Zoning) of the San Fernando Municipal Code to provide added clarification regarding the methodology for calculating lot area within R-1 Residential Zones"; and,
- 2) Affirm the City's determination that the proposed Ordinance is not subject to CEQA pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly, and therefore no further environmental review is required.

EXECUTIVE SUMMARY:

The Planning and Preservation Commission at their March 6, 2018 meeting will conduct a public hearing to consider amending the San Fernando City Code Section 106-6 in order to provide added clarification regarding the methodology for calculating lot area within R-1 Residential Zones.

Please note that upon consultation with the City Attorney, the zoning text amendment is now proposed to City Code Section 106-6 (Definitions) of Article I (In General) of Chapter 106 (Zoning). In

contrast, the Notice of Public Hearing published on February 24, 2018 listed the proposed amendment instead in City Code Section 106-356 (Minimum Lot Size) of Division 2 (R-1 Single Family Residential Zone) of Article III (Zones) of Chapter 106 (Zoning). There is no substantive change to the language of the proposed zoning text amendment itself, and placement instead in the definitions section improves ease of future reference. Thus, staff recommends that the Planning and Preservation Commission consider approval of the zoning text amendment within City Code Section 106-6 (Definitions).

The proposed zoning text amendment modifies the definition of term “lot area” as set forth under Section 106-6 to provide that when computing the size of a lot in the R-1 single family residential zone, the calculation may include that area up to the midpoint of all immediately abutting streets, alleys or highways which would revert to the lot if the street, highway or alley were vacated. The proposed amendment leaves the 7,500 square foot minimum lot size within the R-1 residential zone untouched.

The proposed zoning text amendment will be presented by Community Development Department Staff to the Planning and Preservation Commission for their consideration at the noticed public hearing. If the proposed zoning text amendment is recommended for approval by the Planning and Preservation Commission to City Council, then a new public hearing date will be scheduled for City Council’s final review and approval.

BACKGROUND:

1. City Planning Staff has received applicant inquiries related to how to compute lot area for certain projects located within the R-1 single family residential zone. The City of San Fernando has subsequently sought to refine the methodology for computing lot area for residential projects located within the R-1 single family residential zone.
2. A public hearing notice for the March 6th, 2018 Planning and Preservation Commission Public Hearing to consider Zone Text Amendment Amending Section 106-356 (Minimum Lot Size) of Division 2 (R-1 Single Family Residential Zone) of Article III (Zones) of Chapter 106 (Zoning) of the San Fernando Municipal Code to provide added clarification regarding the methodology for calculating lot area within R-1 Residential Zones was published in the Saturday, February 24, 2018 edition of The Los Angeles Daily News.

ANALYSIS:

Development projects utilize lot area calculations to help make determinations for numerous zoning requirements for land use entitlements including, but not limited to, minimum lot size,

density, floor-area-ratio, and landscape requirements. The proposed amendment would not amend the existing City Code Section 106-356 (Minimum Lot Size) which states the following: “Minimum lot size in the R-1 single-family residential zone shall be 7,500 square feet.”

Section 106-6 (Definitions): Existing and Proposed

The San Fernando City Code Section 106-6 notes the following definitions for lot and lot area, respectively:

“Lot means a designated parcel, tract or area of land established by plat, subdivision or as otherwise permitted by law to be used, developed or built upon as a unit.”

“Lot area means the total area within the lot lines of a lot excluding any street right-of-way.”

Under the proposed zoning text amendment, the definition of “Lot area,” within City Code Section 106-6 would be amended in its entirety to now state the following:

“Lot area means the total area within the lot lines of a lot excluding any street, highway or alley right-of-way, except that in the case of lots in the R-1 single family residential zone, that area up to the midpoint of all immediately abutting streets, alleys or highways which would revert to the lot if the street, highway or alley were vacated may be assumed to be a portion of the lot. The foregoing notwithstanding, the alternative methodology for computing lot area in the R-1 single family residential zone as set forth in the preceding sentence shall not be applied for purposes of any application or request to establish an accessory dwelling unit within the meaning of Section 106-358 (Regulation of Accessory Dwelling Units) of Division 2 (R-1 Single family, Residential Zone) of Article III (Zones) of Chapter 106 (Zoning) of the San Fernando Municipal Code.”

Local agencies such as City of Los Angeles have made efforts to provide added clarification regarding how to consistently calculate lot area when determining land use entitlements. In addition, City Planning Staff has received similar applicant inquiries regarding methodology for calculating lot area within the R-1 Residential Zone. Thus, the proposed zoning text amendment seeks to refine the methodology for computing lot area for residential projects located within the R-1 single family residential zone. The proposed amendment is intended to provide greater clarity and efficiency to the City’s land use entitlement process.

Zone Change Procedure

Pursuant to City Code Section 106-19, a zoning text amendment is subject to discretionary review by the Planning and Preservation Commission and the City Council. The zoning text amendment review process allows the opportunity for the Planning and Preservation Commission and City Council to assess the proposal’s consistency with the City’s general plan

goals, objectives, policies, and programs as well as the applicable zoning regulations. In addition, the commission and council review ensures that proposed zoning text amendment and development agreement ordinance would not be detrimental to the public interest, health, safety, convenience or welfare.

The Planning and Preservation Commission shall review a proposed zoning text amendment and determine whether to approve a resolution of intention and provide a recommendation for approval to the City Council for said zoning text amendment. Subsequent to a recommendation for approval by the Commission, the City Council shall review and consider approval of the requested amendments only if the required findings of fact can be made. A negative determination on any single finding will uphold a denial.

It is staff's assessment that the proposed zoning text amendment and associated Ordinance is consistent with the City's General Plan and Zoning Ordinance and would not be detrimental to public interest, health, safety, convenience or welfare. If the Planning and Preservation Commission concurs with staff's assessment, the Commission shall make a recommendation to the City Council that the findings for approval of the requested zoning text amendment could be made in this instance based on the included findings.

- **The proposed amendment is consistent with the objectives, policies, general land uses and programs of the city's general plan.**

In accordance with Section 106-19 of the Zoning Ordinance and California Government Code section 65454, the proposed amendment to San Fernando City Code Section 106-6 is consistent with the city's General Plan. The proposed amendment would result in a clear methodology for calculating lot area within R-1 Residential Zones.

This proposed amendment is consistent with the General Plan Land Use Element goals and objectives that seek to retain the small town character of the community and to maintain an identity that is distinct from surrounding communities. Additionally, the proposed amendment is consistent with the General Plan Housing Element goals and objectives that seek to identify and revise City policies, programs, and regulations as necessary and appropriate, in order to remove constraints to the development of housing to provide a range of housing types to meet community needs. Thus, it is staff's assessment that this finding can be made.

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

The proposed amendment merely provides a refined method for calculating lot area that is limited to the R-1 Residential Zone and which does not apply to Accessory

Dwelling Units. Therefore, the proposed zone text amendment would not be detrimental to the public interest, health, safety, convenience or welfare. Thus, it is staff's assessment that this finding can be made.

CEQA Compliance

The proposed Ordinance has been reviewed for compliance with the California Environmental Quality Act (CEQA). Based on that assessment, the Planning and Preservation Commission finds that this ordinance is not subject to CEQA pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

CONCLUSION:

It is staff's assessment that establishing a clear methodology for calculating lot area within R-1 Residential Zones is consistent with the City's General Plan and Zoning Ordinance goals and objectives to preserve the small town character of the community, to maintain an identity that is distinct from surrounding communities, and to identify and revise City policies, programs, and regulations as necessary and appropriate, in order to remove constraints to the development of housing.

Hence, staff recommends that the Planning and Preservation Commission approve Resolution No. 2018-002 recommending to the City Council adoption of Zone Text Amendment 2018-002 pursuant to the attached Ordinance.

ATTACHMENTS:

1. Planning and Preservation Commission Resolution No. 2018-002
2. Draft City Council Ordinance

RESOLUTION NO. 2018-002

RESOLUTION OF THE PLANNING & PRESERVATION COMMISSION OF THE CITY OF SAN FERNANDO RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING SECTION 106-6 (DEFINITION) OF ARTICLE I (IN GENERAL) OF CHAPTER 106 (ZONING) OF THE SAN FERNANDO MUNICIPAL CODE TO PROVIDE ADDED CLARIFICATION REGARDING THE METHODOLOGY FOR CALCULATING LOT AREA WITHIN R-1 RESIDENTIAL ZONES.

WHEREAS, the City of San Fernando seeks to refine the methodology for computing lot area for certain residential projects located within the R-1 single family residential zone; and

WHEREAS, the refinements are not intended to apply to non-residential projects or projects located outside of the R-1 single family residential zone; and

WHEREAS, the refinements are not to be applied for the computation of lot area for the establishment of accessory dwelling units within the meaning of Section 106-358 (Regulation of Accessory Dwelling Units) of Division 2 (R-1 Single family, Residential Zone) of Article III (Zones) of Chapter 106 (Zoning) of the San Fernando Municipal Code.

WHEREAS, the draft ordinance attached as Exhibit “A” effectuates the objectives in the preceding recitals; and

WHEREAS, pursuant to City Code Section 106-19, a zoning text amendment is subject to discretionary review by the Planning and Preservation Commission and the City Council. The zoning text amendment review process allows the opportunity for the Planning and Preservation Commission and City Council to assess the proposal’s consistency with the City’s general plan goals, objectives, policies, and programs as well as the applicable zoning regulations. In addition, the commission and council review ensures that proposed zoning text amendment and development agreement ordinance would not be detrimental to the public interest, health, safety, convenience or welfare; and

WHEREAS, the Planning and Preservation Commission shall review a proposed zoning text amendment and determine whether to approve a resolution of intention and provide a recommendation for approval to the City Council for said zoning text amendment; and

WHEREAS, subsequent to a recommendation for approval by the Commission, the City Council shall review and consider approval of the requested amendments only if the required findings of fact can be made. A negative determination on any single finding will uphold a denial; and

WHEREAS, the recommendation set forth in this resolution was made following a duly notice public hearing held March 6, 2018 and notice of the same was published in the Saturday, February 24, 2018 edition of The Los Angeles Daily News.

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

SECTION 1: The foregoing recitals are true and correct. The Planning and Preservation Commission recommends adoption to the City Council of the zone text amendment pursuant to the attached Ordinance.

SECTION 2: General Plan Consistency. The proposed zoning text amendment and proposed ordinance is consistent with the City's General Plan and Zoning Ordinance and would not be detrimental to public interest, health, safety, convenience or welfare. The Planning and Preservation Commission concurs with staff's assessment and recommends to the City Council that the findings for approval of the requested zoning text amendment can be made in this instance based on the included findings:

- **The proposed amendment is consistent with the objectives, policies, general land uses and programs of the city's general plan.**

In accordance with Section 106-19 of the Zoning Ordinance and California Government Code section 65454, the proposed amendment to San Fernando City Code is consistent with the City's General Plan. The proposed amendment would result in a clear methodology for calculating lot area within R-1 Residential Zones.

This proposed amendment is consistent with the General Plan Land Use Element goals and objectives that seek to retain the small town character of the community and to maintain an identity that is distinct from surrounding communities. Additionally, the proposed amendment is consistent with the General Plan Housing Element goals and objectives that seek to identify and revise City policies, programs, and regulations as necessary and appropriate, in order to remove constraints to the development of housing to provide a range of housing types to meet community needs. Thus, it is staff's assessment that this finding can be made.

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

The proposed amendment to the San Fernando City Code Section 106-356 would only establish a clear methodology for calculating lot area within R-1 Residential Zones. Therefore, the proposed zone text amendment would not be detrimental to the public interest, health, safety, convenience or welfare. Thus, it is staff's assessment that this finding can be made.

SECTION 3: CEQA Compliance. The proposed Ordinance has been reviewed for compliance with the California Environmental Quality Act (CEQA). Based on that assessment, the Planning and Preservation Commission finds that this ordinance is not subject to CEQA pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no

potential for resulting in physical change to the environment, directly or indirectly.

SECTION 4: The Secretary of the Planning & Preservation Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and certification to be entered in the Book of Resolutions of the Planning & Preservation Commission of the City.

PASSED, APPROVED AND ADOPTED THIS 6th day of March 2018.

CHAIRPERSON

ATTEST:

TIMOTHY HOU, DIRECTOR OF COMMUNITY DEVELOPMENT AND
SECRETARY TO THE PLANNING & PRESERVATION COMMISSION

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

I, TIMOTHY HOU, Secretary to the Planning & Preservation Commission of the City of San Fernando, do hereby certify that the foregoing Resolution No. 2018-002 was duly adopted by the Planning & Preservation Commission and signed by the Chairperson of said City at a meeting held on the 6th day of March 2018; and that the same was passed by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

TIMOTHY HOU, DIRECTOR OF COMMUNITY DEVELOPMENT
AND SECRETARY TO THE PLANNING & PRESERVATION
COMMISSION

ORDINANCE NO. XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA AMENDING SECTION 106-6 (DEFINITIONS) OF ARTICLE I (IN GENERAL) OF CHAPTER 106 (ZONING) OF THE SAN FERNANDO MUNICIPAL CODE TO PROVIDE ADDED CLARIFICATION REGARDING THE METHODOLOGY FOR CALCULATING LOT AREA WITHIN R-1 RESIDENTIAL ZONES.

The City Council of the City of San Fernando does hereby ordain as following:

WHEREAS, the City of San Fernando seeks to refine the methodology for computing lot area for certain residential projects located within the R-1 single family residential zone; and

WHEREAS, the refinements are not intended to apply to non-residential projects or projects located outside of the R-1 single family residential zone; and

WHEREAS, the refinements are not to be applied for the computation of lot area for the establishment of accessory dwelling units within the meaning of Section 106-358 (Regulation of Accessory Dwelling Units) of Division 2 (R-1 Single family, Residential Zone) of Article III (Zones) of Chapter 106 (Zoning) of the San Fernando Municipal Code.

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

SECTION 1. The definition of the term “lot area” as defined under Section 106-6 (Definitions) of Article I (In General) of Chapter 106 (Zoning) of the San Fernando Municipal Code is hereby amended in its entirety to now state the following:

Lot area means the total area within the lot lines of a lot excluding any street, highway or alley right-of-way, except that in the case of lots in the R-1 single family residential zone, that area up to the midpoint of all immediately abutting streets, alleys or highways which would revert to the lot if the street, highway or alley were vacated may be assumed to be a portion of the lot. The foregoing notwithstanding, the alternative methodology for computing lot area in the R-1 single family residential zone as set forth in the preceding sentence shall not be applied for purposes of any application or request to establish an accessory dwelling unit within the meaning of Section 106-358 (Regulation of Accessory Dwelling Units) of Division 2 (R-1 Single family, Residential Zone) of Article III (Zones) of Chapter 106 (Zoning) of the San Fernando Municipal Code.

SECTION 2. Effective Date. This Ordinance shall take effect thirty (30) days after its adoption.

SECTION 3. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional. If for any reason any portion of this ordinance is found to be invalid by a court of competent jurisdiction, the balance of this ordinance shall not be affected.

SECTION 4. Certification. The City Clerk shall certify the passage of this Ordinance and shall cause the same to be entered in the book of original ordinances of said City; shall make a minute passage and adoption thereof in the records of the meeting at which time the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published as required by law, in a local newspaper of general circulation and which is hereby designated for that purpose.

SECTION 5. CEQA. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of San Fernando at its regular meeting on this ____ day of _____, 2018.

Sylvia Ballin, Mayor

ATTEST:

Elena G. Chávez, City Clerk

APPROVED AS TO FORM:

Richard Padilla, Assistant City Attorney

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

I, ELENA G. CHAVEZ, City Clerk of the City of San Fernando, do hereby certify that the foregoing Ordinance No. was adopted at a regular meeting of the City Council held on the ____ day of _____ 2018, and was carried by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Elena G. Chávez, City Clerk