



## PLANNING AND PRESERVATION COMMISSION

### REGULAR MEETING NOTICE AND AGENDA

APRIL 3, 2019 – 6:30 P.M.

COUNCIL CHAMBERS  
117 MACNEIL STREET  
SAN FERNANDO, CA 91340

#### **CALL TO ORDER**

#### **ROLL CALL**

Chairperson Alvin Durham, Jr.  
Commissioner Ivan Gonzalez  
Commissioner Yvonne G. Mejia  
Commissioner Aida Montes  
Commissioner Hector Pacheco

#### **PLEDGE OF ALLEGIANCE**

#### **APPROVAL OF AGENDA**

April 3, 2019

#### **REORGANIZATION OF THE PLANNING AND PRESERVATION COMMISSION**

- CALLS FOR NOMINATION OF CHAIRPERSON
- CALLS FOR NOMINATION OF VICE-CHAIRPERSON

#### **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.

## **PLANNING AND PRESERVATION COMMISSION**

Regular Meeting Notice and Agenda –Wednesday April 3, 2019

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- 1) **Approval of the Planning and Preservation Commission Minutes of the March 5, 2019 meeting.**

### **CONTINUED BUSINESS**

- 1) **SUBJECT:** Conditional Use Permit 2018-005 (CUP 2018-005)  
  
**LOCATION:** 12940 Foothill Boulevard, Unit A, San Fernando, CA 91340  
(Assessor Identification Number: 2514-001-062)  
  
**PROPOSAL:** The proposed “Project” consists of a request for the approval of a Conditional Use Permit to allow for the on-site sale and consumption of beer and wine in a sit-down restaurant (License Type 41) within the C-2 Commercial Zone. The project site is located on the southern side of Foothill Boulevard just east of North Maclay Avenue and West of Arroyo Avenue.  
  
**APPLICANT:** Kent Clark, on behalf of Crazy Goody Restaurant  
12940 Foothill Boulevard, #A, San Fernando, CA 91340  
  
**RECOMMENDATION:** Staff recommends that the Planning and Preservation Commission approve Conditional Use Permit 2018-005, pursuant to Planning and Preservation Commission No. 2019-005 and the Conditions of Approval attached as Exhibit “A” to allow an existing full service sit-down restaurant the on-site sale of beer and wine (Type 41: on-sale Beer & Wine) at 12940 Foothill Boulevard, Unit A.

### **NEW BUSINESS**

- 1) **SUBJECT:** Conditional Use Permit 2019-001 (CUP 2019-001) and Site Plan Review 2019-002 (SPR 2019-002)  
  
**LOCATION:** 1203 N. Maclay Avenue, San Fernando, CA 91340  
(Assessor identification Number: 2513-020-040)  
  
**PROPOSAL:** The project consist of a request for the approval of a Conditional use Permit and Site Plan Review for the development of 2,300 square foot 24 hour gasoline refueling service station in conjunction with a grocery store with limited sales of beer and wine and an ancillary



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920 square foot automatic carwash within the Maclay district of the San Fernando Corridors Specific Plan (SP-5) Zone. The project site is located on an 18,000 square foot lot and is located at the northwestern corner of North Maclay Avenue and Eighth Street.

**APPLICANT:** Michael Pauls – 6475 E. Pacific Coast Highway #135,  
Long Beach, CA 90803

**RECOMMENDATION:** Staff recommends that the Planning and Preservation Commission approve Conditional Use Permit 2019-001 and Site Plan Review 2019-002 pursuant to Planning and Preservation Commission Resolution No. 2019-006 and Conditions of Approval attached as Exhibit “A” to allow for a 2,300 square foot 24 hour gasoline refueling service station in conjunction with a grocery store with limited sales of beer and wine and ancillary 920 square foot automatic carwash located at 1203 North Maclay Avenue.

2) **SUBJECT:** Zone Text Amendment 2019-001 (ZTA 2019-001)

**LOCATION:** Citywide, San Fernando, CA 91340

**PROPOSAL:** The proposed Code Amendment would amend Division 13 (Wireless Telecommunications Facilities) of Article VI (General Regulations) of Chapter 106 (Zoning) of the San Fernando Municipal Code to establish updated regulations and procedures related to wireless telecommunications facilities.

**RECOMMENDATION:** It is recommended that, subsequent to City staff’s presentation and consideration of any public comment, the Planning and Preservation Commission (“Commission”) approve Resolution No. 2019-007 (Attachment “A”) recommending to the City Council adoption of the proposed Urgency Ordinance No. 1687 attached as Exhibit “1” amending the San Fernando Municipal Code to establish updated regulations and procedures related to wireless telecommunications facilities, and recommending City Council approval of related policy guidelines as presented in Attachment “C.”

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*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**

May 7, 2019

*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*

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

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

**DRAFT MINUTES OF THE  
MARCH 5, 2019 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: <http://ci.san-fernando.ca.us/commissions-boards/#1477946968325-c2faf7a0-5a49>**

**CALL TO ORDER**

The meeting was called to order at 6:30 p.m. by Chairperson Durham

**OATH OF OFFICE**

The Oath of office was administered to incoming Commission member Hector Pacheco.

**ROLL CALL**

The following persons were recorded as present:

**PRESENT:**

Chairperson Alvin Durham, Commissioners Ivan Gonzalez, Aida Montes and Hector Pacheco

**ABSENT:**

Commissioner Yvonne Mejia

**ALSO PRESENT**

Director of Community Development Timothy Hou, City Attorney Martin de los Angeles, Associate Planner Gerardo “Jerry” Marquez, and Community Development Secretary Michelle De Santiago

**APPROVAL OF AGENDA**

Commissioner I. Gonzalez moved to approve the agenda of the March 5, 2019 meeting with the postponement of the Reorganization of the Commission to the April 3, 2019 meeting. Seconded Commissioner H. Pacheco, the motion carried with the following vote:

AYES:	I. Gonzalez, H. Pacheco, A. Durham, and A. Montes
NOES:	None
ABSENT:	Y. Mejia
ABSTAIN:	None

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### **CONSENT CALENDAR**

Chairperson A. Durham moved to approve the January 8, 2019 Planning and Preservation Commission Meeting minutes. Seconded by Commissioner I. Gonzalez, the motion carried with the following vote:

AYES:	A. Durham, I. Gonzalez, and A. Montes
NOES:	None
ABSENT:	Y. Mejia
ABSTAIN:	H. Pacheco

### **CONTINUED BUSINESS:**

None

### **NEW BUSINESS:**

- 1) **Conditional Use Permit 2018-005 (CUP 2018-005) – 12940 Foothill Boulevard, San Fernando, CA - Kent Clark on behalf of Crazy Goody Restaurant - The proposed “Project” consists of a request for the approval of a Conditional Use Permit to allow for the on-site sale of beer and wine in a sit-down restaurant (License Type 47) within the C-2 Commercial Zone. The project site is located within a 1,600 square foot commercial building and is located on the southern side of Foothill Boulevard just east of North Maclay Avenue and West of Arroyo Avenue.**

### **STAFF PRESENTATION**

Associate Planner Jerry Marquez gave a brief description of the project proposal recommending that the Planning and Preservation Commission:

1. Open the public hearing to allow any audience member an opportunity to speak for or against the proposed project; and
2. Continue the public hearing to the regularly scheduled Planning and Preservation Commission Meeting of April 3, 2019 to allow the applicant additional time to work with staff on pending items.

### **PUBLIC COMMENT**

None

### **COMMISSION DISCUSSION**

Commissioner I. Gonzalez moved to continue CUP 2018-005 to the next regularly scheduled meeting of April 3, 2019. Seconded by Commissioner A. Montes, the motion carried with the following vote:

AYES:	I. Gonzalez, A. Montes, A. Durham, and H. Pacheco
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NOES: None  
ABSENT: Y. Mejia  
ABSTAIN: None

- 2) **Conditional Use Permit 2018-002 (CUP 2018-002) and Planning Review 2018-012 (PR 2018-012) – 621 N. Maclay Avenue, San Fernando, CA 91340 – Fernando Garcia, 10146 Balboa Boulevard, Granada Hills, CA 91344 – The proposed “Project” consists of a request for the approval of a Conditional Use Permit to entitle a legal non-conforming triplex residential development within the Maclay District of the San Fernando Corridor Specific Plan Zone.**

### STAFF PRESENTATION:

Association Planner Jerry Marquez gave the staff presentation recommending that the Planning and Preservation Commission approve Conditional Use Permit 2018-002 and Planning Review 2018-012, pursuant to Planning and Preservation Commission Resolution No. 2019-003 and the Conditions of Approval attached therein as Exhibit “A”.

### PUBLIC COMMENTS:

Michael Remenih – 635 N. Hagar Street, San Fernando, Ca - Mr. Remenih asked staff for clarification regarding the proposed project and if the existing structure will be demolished to make way for a single story development. Mr. Remenih expressed that the proposed project is an improvement to what currently exists on site.

J. Marquez explained that the proposal is to entitle and legalize the existing structure giving the commission the opportunity to impose conditions as well as to review the proposed improvements.

### COMMISSION COMMENTS

I. Gonzalez stated that the applicant has provided a good plan which includes new carports, a designated space for the trash containers and much needed property maintenance.

A. Durham agreed that the applicant is providing a much needed improvement to the location.

F. Garcia – the applicant indicated that he purchased the property in its current condition. He stated that he has worked with staff over the course of months to design the final proposal to provide an improvement to the property.

Subsequent to discussion, Commissioner I. Gonzalez moved to approve CUP 2018-002 and Planning Review 2018-012. Seconded by Commissioner A. Montes, the motion carried with the following vote:

AYES: I. Gonzalez, A. Montes, A. Durham, and H. Pacheco  
NOES: None

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ABSENT: Y. Mejia

ABSTAIN: None

- 3) **Zone Change 2018-002 (ZC 2018-002), Tentative Tract map 2018-002 (TTM 2018-002), Conditional Use Permit 2018-006 (CUP 2018-006), and Site Plan Review 2015-009 (SPR 2015-009) – 1001 Glenoaks Boulevard, San Fernando, CA - Bruce Partovi, P.O. Box 8312, Van Nuys, CA 91409 – The proposed “Project” consists of a request for approval of Zone Change, Tentative Tract Map, Conditional Use Permit, and Site Plan Review for the development of a six-unit condominium project within the existing C-1 Limited Commercial Zone which is proposing to change to Multiple Family R-2 Residential Planned Development (RPD) Zone.**

### **STAFF PRESENTATION:**

Associate Planner Jerry Marquez gave the staff presentation recommending that the Planning and Preservation Commission recommend approval of Zone Change 2018-002 and Tentative Tract Map 2018-002 and approve Conditional Use Permit 2018-006 and Site Plan Review 2015-019, pursuant to Planning and Preservation Commission Resolution No. 2019-004 and the Conditions of Approval attached therein as Exhibit “A” to the resolution.

Staff explained that the SPR case number dates back to 2015 because this project couldn’t move forward due to the moratorium on Multi-family dwelling developments.

### **PUBLIC COMMENT:**

Patty Lopez indicated that it was a beautiful project and an improvement for the community however she asked that the Commission not make a decision and requested that there be interpreters available to provide the information in Spanish in order to allow for more residents to express their concerns and to speak freely. She stated that the residents usually don’t approve of zone changes and that the Commission shouldn’t take this request lightly. She asked that the Commission and the City Council require sidewalks to provide added safety for pedestrians and especially children.

### **COMMISSION COMMENTS:**

I. Gonzalez stated that the rendering is a total improvement to what is there now. He stated that he really likes the project proposal.

A. Durham thanked the applicant for providing a complete and thorough plan.

F. Partovi – the applicant’s representative joked and said they were forced to do so by staff.

A. Durham stated that the SP-5 should have included Glenoaks Boulevard.

T. Hou explained that zone changes were relatively rare and that the General Plan hasn’t had many changes since it was adopted in 1987. He stated that there hasn’t been a zone change in approximately seven years but that they are presented on a case by case basis.

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G. Marquez explained that each unit is being proposed as a three bedroom unit that will require 2.5 vehicle parking and the applicant is providing 3 spaces per unit.

I. Gonzalez asked what is considered .5 of a vehicle.

A. Durham indicated that the proposal is a major improvement.

With no further questions or comments, Vice-chair A. Durham moved to recommend to the City Council approval of Zone Change 2018-002 and Tentative Tract Map 2018-002 and approve Conditional Use Permit 2018-006 and Site Plan Review 2015-019. Seconded by Commissioner I. Gonzalez, the vote carried with the following vote:

AYES:	A. Durham, I. Gonzalez, A. Montes, and H. Pacheco
NOES:	None
ABSENT:	Y. Mejia
ABSTAIN:	None

### STAFF COMMUNICATIONS:

T. Hou explained to the Commission that the upcoming Planning Commissioners Academy was sold out and that there may be an opportunities for training in the near future. Additionally he reminded the commission of their requirements:

- Fair Political Practice Commission Form 700 annually; and
- AB1234 Ethics Training; and
- AB1661 Sexual Harassment Prevention Training.

### ADJOURNMENT

Commissioner A. Montes moved to adjourn to **April 3, 2019** meeting date. Seconded by Commissioner H. Pacheco, the motion carried with the following vote:

AYES:	A. Montes, H. Pacheco, A. Durham, and I. Gonzalez
NOES:	None
ABSENT:	Y. Mejia
ABSTAIN:	None

7:26 P.M.

Planning Commission Secretary







**MEETING DATE:** April 3, 2019

**COMMISSION CONSIDERATION:**

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

“I move to approve Conditional Use Permit 2018-005 pursuant to Planning and Preservation Commission Resolution No. 2018-005 and the Conditions of Approval attached as Exhibit “A” to allow for an existing full service sit-down restaurant the on-site sale and consumption of beer and wine (License Type 41) at Crazy Goody Restaurant located at 12940 Foothill Boulevard, Unit A.” (Roll Call Vote)
  - b. To Deny:

“I move to recommend denial of Conditional Use Permit 2018-005, based on the following...” (Roll Call Vote)
  - c. To Continue:

“I move to continue Conditional Use Permit 2018-005, to the following date...” (Roll Call Vote)

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

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

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

**CONTINUED ITEM 1:  
Conditional Use Permit 2018-005**





## AGENDA REPORT

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

**From:** Timothy T. Hou, AICP, Director of Community Development  
Gerardo Marquez, Associate Planner

**Date:** April 3, 2019

**Subject:** **Conditional Use Permit 2018-005**  
12940 Foothill Boulevard, Unit A, San Fernando, CA 91340  
(Los Angeles County Assessor Identification No. 2514-001-062)

**Proposal:** The project consists of a request for the approval of a Conditional Use Permit to allow for the on-site sale of beer and wine in a sit-down restaurant (License Type 41) within the C-2 Commercial Zone. The project site is located in a 1,600 square foot commercial tenant space and is located on the southern side of Foothill Boulevard just east of North Maclay Avenue and west of Arroyo Street.

**APPLICANT:** Kent Clark, o.b.o. Crazy Goody  
12940 Foothill Boulevard, Unit A, San Fernando, CA 91342

### **RECOMMENDATION:**

Staff recommends that the Planning and Preservation Commission ("Commission") approve Conditional Use Permit (CUP) 2018-005, pursuant to Commission Resolution No. 2019-005 and Conditions of Approval attached as Exhibit "A" (Attachment "A") to allow an existing full service sit-down restaurant the on-site sale of beer and wine (Type 41: On-Sale Beer & Wine) Located at 12940 Foothill Boulevard, Unit A.

### **PROJECT OVERVIEW:**

On July 30, 2018, Kent Clark, o.b.o. Crazy Goody (the "Applicant"), submitted a Conditional Use Permit (CUP) application seeking to allow an existing full-service sit-down restaurant the on-site sale of beer and wine (Type 41: On-Sale Beer & Wine) located at 12940 Foothill Boulevard, Unit A (Attachment "B").

This project was first presented to the Commission on the March 5, 2019. Staff recommended that the Commission open public comment for the project and continue the item to the next regularly scheduled meeting in order to allow staff additional time to work with the applicant.

The existing restaurant, Crazy Goody, occupies an approximate 1,600 square foot tenant space within an approximate 108,146 square foot commercial building (Attachment "C"). The subject

property is approximately 4.5 acres and is located on the southern side of Foothill Boulevard just east of North Maclay Avenue and west of Arroyo Street within the C-2 Commercial Zone.

Pursuant to Section 106-518 of the San Fernando Municipal Code, all conditionally permitted uses within the C-1 Zone are conditionally permitted in the C-2 Zone. Pursuant to Section 106-488 the onsite sale of beer and wine is a conditionally permitted use within the C-1 Zone therefore making it conditionally permitted in the C-2 Zone.

Based on the review of the requested CUP, it is City Planning Staff's assessment that the restaurant would qualify for the Commission's consideration of a CUP for the on-site sale of beer and wine (Type 41: On-Sale Beer & Wine), subject to the conditions of approval in Commission Resolution No. 2019-005. Additional discussion regarding the proposed CUP and the required findings for approval of the project are provided in the analysis section of this report.

#### **BACKGROUND:**

1. General Plan Land Use and Zoning Designation: The Project Site at 12940 Foothill Boulevard, Unit A is located within the C-2 Commercial Zone and maintains a Neighborhood Commercial land use designation in the General Plan Land Use Element.
2. Site Location and Description: The Project Site is an approximate 4.5 acre parcel along the south side of the Foothill Boulevard, between North Maclay Avenue and Arroyo Street, within the C-2 Commercial Zone. The Project Site abuts the City of Los Angeles to the north and east, the Pacoima wash to the west, and light industrial zoned property to the south. Parking for the restaurant and the commercial center is provided on-site. No interior modifications or additional square footage will be provided therefore no modifications to parking will be needed.
3. Environmental Review: Pursuant to the California Environmental Quality Act (CEQA) of 1970, the project is exempt pursuant to Class 1 Section 15301 (Operation, repair, maintenance, or minor alteration of existing structures or facilities not expanding existing uses) of CEQA.
4. Legal Notification: On February 21, 2019, a public hearing notice was published in the print and online versions of the legal advertisement section of the *San Fernando Sun Newspaper*. In addition, on February 21, 2019, a public hearing notice was posted at the Project Site, at the two City Hall bulletins, and at the local branch of the Los Angeles County Library (217 N. Maclay Avenue). Notices of the public hearing for this CUP request were also mailed to all property owners of record within 500 feet of the Project Site (Attachment "D"). Due to the fact that the public hearing was open and continued to the next meeting date of April 3, 2019, there was no requirement to send out additional public hearing notices again.

5. Public Comments: As of the date of preparation of this staff report, no comments were received from the public regarding this CUP request. Any comments received after the distribution of this report shall be read into the record at the public hearing.

#### **ANALYSIS:**

1. General Plan Consistency. The requested CUP to allow for the operation of a full service sit-down restaurant with the sale of alcoholic beverages, including beer and wine for consumption on the premises (Type 41: On-Sale Beer and Wine), 12940 Foothill Boulevard, Unit A is consistent with the following goals and objectives of the San Fernando General Plan Land Use Element by:

- ✓ Attracting new commercial activities;
  - ✓ Promoting economic viability of commercial areas;
  - ✓ Maintaining an identity that is distinct from surrounding communities;
- (San Fernando General Plan Land Use Element Goals I-IV, Pg. IV-6)*

2. Zoning Consistency. Pursuant to Section 106-518 of the San Fernando Municipal Code, all conditionally permitted uses within the C-1 Zone are conditionally permitted in the C-2 Zone. Pursuant to Section 106-488 the onsite sale of beer and wine is a conditionally permitted use within the C-1 Zone therefore making it conditionally permitted in the C-2 Zone. Section 106-179(c) exempts this project from meeting the minimum 600 foot distance requirement from other onsite existing uses, residential zones, hospitals, day care facilities and churches due to the fact that the current establishment is identified as a bona fide public eating establishment.

Based on the review of the requested CUP, it is City Planning Staff's assessment that the restaurant would qualify for the Commission's consideration of a CUP for the on-site sale of beer and wine (Type 41: On-Sale Beer & Wine), subject to the conditions of approval in Planning and Preservation Commission Resolution No. 2019-005.

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

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

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

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

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

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

Crazy Goody is located within Census Tract No. 3201 and has a published total population of 7144 residents as of the United States Census. There are a total of six on-sale and off-sale alcohol licenses within the census tract.

A review of the City and ABC records indicates that three on-sale alcohol outlets exist (one (1) on-sale alcohol outlet for every 2,381 residents) within Census Tract No. 3201. If the CUP for the restaurant were to be granted, then there would be a total of four on-sale alcohol outlets (one (1) on-sale alcohol outlet for every 1,786 residents) within the Census Tract No. 3201. The population in Los Angeles County is 10,105,722, with ABC records showing that a total of 10,197 on-sale alcohol licenses are active countywide. The ratio of on-sale licenses to population in Los Angeles County is one (1) license for every 991 residents. Since the ratio of on-sale licenses within Census Tract No. 3201 is lower than the ratio for Los Angeles County, then Census Tract No. 3201 does not have an undue concentration of on-sale licenses. Therefore, findings of public convenience and necessity are not required in this case.

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

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

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

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

Pursuant to Section 106-518 of the San Fernando Municipal Code, all conditionally permitted uses within the C-1 Zone are conditionally permitted in the C-2 Zone. Pursuant to Section 106-488 the onsite sale of beer and wine is a conditionally permitted use within the C-1 Zone therefore making it conditionally permitted in the C-2 Zone. Crazy Goody, the existing restaurant, is a bona fide public eating place that provides direct table service to patrons of the establishment. The approval of the requested CUP would allow for the restaurant to offer alcoholic beverages with meals,

as is customary with other similar types of bona fide public eating place within the existing floor area. Additionally, the Project site would not trigger any specific distance separation requirements from any other on-sale or off-sale alcohol outlets as currently operated because it is an exempted use as a bona fide eating place, pursuant to City Code 106-179(c)(1). Therefore, it is staff's assessment that the proposed CUP for the ancillary sale and consumption of alcoholic beverages use is conditionally permitted within the subject zone, which complies with all applicable sections of the City's Zoning Ordinance including the applicable development standards. Thus, it is staff's assessment that this finding can be made.

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

Crazy Goody, located at 12940 Foothill Boulevard, Unit A, is an existing restaurant that occupies an approximate 1,600 square foot tenant space. The requested CUP to allow the ancillary sale and on-site consumption of alcoholic beverages in conjunction with the operation of an existing bona fide public eating place would allow Crazy Goody to provide services customary of other similar eating establishments. Permitting the ability for a restaurant in the city's district expand its business through the sale and on-site consumption of alcoholic beverages served alongside meals helps foster growth and goes toward creating a vibrant retail environment within the zone.

Furthermore, to ensure the protection and preservation of surrounding neighborhood, while fostering and promoting growth in the district, the city's standard conditions of approval for establishments requesting alcohol permits would be adopted to prevent issues associated with loitering, noise, off-site consumption of alcohol, trash and debris, and other public nuisance conditions. Noncompliance with the adopted conditions of approval would require the City to seek corrective action from the business owner and may lead to revocation of the required CUP. Therefore, the proposed sale and on-site consumption of alcohol to complement the existing restaurant food sales would not impair the integrity and character of the zone. Thus, it is staff's assessment that this finding can be made.

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

Crazy Goody, occupies an approximate 1,600 square foot tenant space within an approximate 108,146 square foot commercial building. The subject property is approximately 4.5 acres and is located on the southern side of Foothill Boulevard just east of North Maclay Avenue and west of Arroyo Street within the C-2 Commercial Zone. The Project Site is currently developed with similar commercial uses. The ranges of uses established at the Project Site are permitted by the development standards of the zone which encourage the establishment of a diversity of uses.



The current use will not expand in size and will not create any deficiencies with regards to development standards within the zone. Thus, it is staff's assessment that this finding can be made.

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

The project site is an existing approximate 1,600 square foot tenant commercial space with established uses consisting of large retail spaces and standalone restaurants. The proposed CUP to allow for the ancillary sale and on-site consumption of alcohol ancillary to the operation of a bona fide public eating place would be compatible with those services offered to patrons of similar restaurants within the city. Additionally, the mix of uses that are within the commercial center create an inviting and vibrant retail environment for patrons. Thus, it is staff's assessment that this finding can be made.

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

The City's San Fernando Commercial (C-2) Zone is developed with a variety of commercial uses that help serve the needs of residents of the city and neighboring communities. As such, the existing restaurant is compatible with the existing commercial land uses within the vicinity of the Project Site. Furthermore, the City's General Plan Land Use Element designates the Project Site within the Neighborhood Commercial area, as a location where future uses that are envisioned for the area include the operation of similar commercial activities to those proposed by Crazy Goody.

The request to allow the sale and on-site consumption of alcoholic beverages would further supplement the services the existing restaurant offers while providing the opportunity to remain competitive with other similar dining establishments that offer alcoholic beverages along with meals. Within the C-2 Zone, the types of permitted uses like Crazy Goody are those that typically generate a significant amount of foot traffic. Therefore, the requested CUP to allow for a full service restaurant with sale and on-site consumption of alcoholic beverages ancillary to the operation of a bona fide public eating place would be compatible with the existing and future land uses envisioned within the C-2 Zone and the general area in which the proposed use is to be located. Thus, it is staff's assessment that this finding can be made.

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

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

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

Crazy Goody, has adequate provisions for public access. The subject site provides two access points off of Foothill Boulevard. Patrons seeking to dine at the restaurant and complement their meals with an alcoholic beverage have the ability to enter the tenant space from the primary entrance facing Foothill Boulevard and on-site parking area. Adequate vehicular access to the parking facilities is provided along driveways located along Foothill Boulevard. Thus, it is staff's assessment that this finding can be made in this case.

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

Within the C-2 zone, full service sit-down restaurants, with the ancillary sale and on-site consumption of alcohol beverages component are permitted through the city's review and approval of a conditional use permit. The request to allow the sale and on-site consumption of alcoholic beverage in conjunction with the operation of a bona fide public eating place is an appropriate and compatible use for the types of currently established and potentially permitted uses that the zone allows. Approval of the CUP for the on-site sale and consumption of alcoholic beverages in a bona fide public eating place (Crazy Goody) helps to encourage future development of the District. CUP approval at the Project Site facilitates the expansion of locally serving service commercial uses provided by restaurants, which in turn helps to draw new visitors to the area and foster vibrant commercial district in the city and further revitalize the area.

The requested CUP would allow for Crazy Goody to augment its offerings by providing interested patrons to enhance their dining experience with the ability to purchase on-site alcoholic beverages with their meal. The sale and on-site consumption of alcoholic beverages is a customary service offered by similar bona fide public eating places both within and outside the city. Fostering the growth of these types of establishments through the approval of a CUP promotes investment in the district and has the potential to promote redevelopment of similar properties with uses that meet the

purpose and intent of the General Plan. Thus, it is staff's assessment that this finding can be made in this case.

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

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

Furthermore, approval of the requested CUP would help a goal of the City's general plan to support existing dining and entertainment uses that reduce potential commercial vacancies and "attract new commercial activities" (San Fernando General Plan Land Use Element Goals and Objectives, Pg. IV-6). Thus, it is staff's assessment that this finding can be made in this case.

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

With the adoption of the recommended conditions of approval for the requested alcohol CUP, Crazy Goody would be required to provide sufficient safeguards to deter any potential public nuisance issues and protect public interest, health, safety, convenience or welfare. Noncompliance with the conditions of approval for an approved CUP for alcohol sales would require corrective action on behalf of the business owner and may result in revocation of the granted CUP. Thus, it is staff's assessment that this finding can be made in this case.

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

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

Reported data from the City Police Department for the Project Site from January 2016 to February 2019 indicates two (2) calls for service, both of the calls were from the alarm company as a result of burglary attempts. There have been no alcohol related crimes at this location. Subject to the Applicant's compliance with required conditions of project approval, it is anticipated that approval of the requested CUP at the Project Site would not have the effect of increasing the incident reporting percentages for this

reporting track. Furthermore, approval of the requested CUP with the recommended conditions of approval, would allow for the abatement of any public nuisances associated with sale of alcohol at the Project Site, with potential CUP revocation by the City if public nuisances are not corrected in a timely manner. Thus, it is staff's assessment that this finding can be made.

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

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

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

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

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

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

Crazy Goody is located within Census Tract No. 3201 and has a published total population of 7144 residents as of the United States Census. There are a total of six on-sale and off-sale alcohol licenses within the census tract.

A review of the City and ABC records indicates that there are three existing on-sale alcohol outlets (one (1) on-sale alcohol outlet for every 2,381 residents) within Census Tract No. 3201. If the CUP for the restaurant were to be granted, then there would be a total of four on-sale alcohol outlets (one (1) on-sale alcohol outlet for every 1,786 residents) within the Census Tract No. 3201. The population in Los Angeles County is 10,105,722, with ABC records showing that a total of 10,197 on-sale alcohol licenses active countywide. The ratio of on-sale licenses to population in Los Angeles County is one (1) license for every 991 residents. Since the ratio of on-sale licenses within Census Tract No. 3201 is lower than the ratio for Los Angeles County, then Census Tract No. 3201 does not have an undue concentration of on-sale licenses. Therefore, findings of public convenience and necessity are required in this case. Therefore, it is City Planning Staff's determination that findings of public convenience and necessity, pursuant to City Code Section 106-180, are not required in this case.

#### **CONCLUSION:**

In light of the forgoing analysis, it is staff's assessment that Commission approval of CUP 2018-005 is warranted to allow for a bona fide eating establishment to allow for the sale of alcoholic beverages, including beer and wine, for consumption onsite (Type 41: On-Sale Beer & Wine).

Collectively, the activities allowed under the Commission's approval of CUP 2018-005, pursuant to Planning and Preservation Commission Resolution No 2019-005 (Attachment "A") and the Conditions of Approval attached as Exhibit "A", would facilitate the viability of the restaurant while enhancing the dining experience of customers. Furthermore, approval of CUP 2018-005 will create new services that seek to draw visitors and residents to the district in a manner consistent with the General Plan's goals and objectives and the development standards and design guidelines for the C-2 Commercial Zone.

Based on the above findings, City Planning Staff recommends that the Planning and Preservation Commission approve Conditional Use Permit (CUP) 2018-005, pursuant to Planning and Preservation Commission Resolution 2019-005 and the conditions of approval attached as Exhibit "A" to the resolution (Attachment "A").

#### **ATTACHMENTS:**

- A. Planning and Preservation Commission Resolution 2019-005 and Exhibit "A": Conditions of Approval
- B. Conditional Use Permit Application – CUP 2018-005
- C. Set of Plans
- D. Notice of Public Hearing Published in the *San Fernando Sun Newspaper*



**RESOLUTION NO. 2019-005****A RESOLUTION OF THE PLANNING AND PRESERVATION COMMISSION OF THE CITY OF SAN FERNANDO APPROVING CONDITIONAL USE PERMIT 2018-005 TO ALLOW FOR A FULL SERVICE SIT-DOWN RESTAURANT AND THE SALE AND ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES LOCATED AT 12940 FOOTHILL BOULEVARD, UNIT A.**

WHEREAS, an application has been filed by Kent Clark o.b.o. Crazy Goody, 12940 Foothill Boulevard, Unit A, San Fernando, CA 91340 (the "Applicant"), to request approval of a conditional use permit (CUP) application allow for an existing bona fide eating establishment the sale of alcoholic beverages, including beer and wine, for consumption onsite (Type 41: On-Sale Beer & Wine), 12940 Foothill Boulevard, Unit A (the "Project"). The existing restaurant occupies an approximate 1,600 square foot tenant space within an approximate 108,146 square foot commercial building. The subject property is approximately 4.5 acre. The subject site is located on the southern side of Foothill Boulevard just east of North Maclay Avenue and west of Arroyo Street within the C-2 Commercial Zone;

WHEREAS, the Applicant has requested approval of the requested conditional use permit pursuant to Section 106-518 of the San Fernando Municipal Code, all conditionally permitted uses within the C-1 Zone are conditionally permitted in the C-2 Zone. Pursuant to Section 106-488 the onsite sale of beer and wine is a conditionally permitted use within the C-1 Zone therefore making it conditionally permitted in the C-2 Zone. Section 106-179(c) exempts this project from meeting the minimum 600 foot distance requirement from other onsite existing uses, residential zones, hospitals, day care facilities and churches due to the fact that the current establishment is identified as a bona fide public eating establishment located at 12940 Foothill Boulevard, Unit A;

WHEREAS, the Planning and Preservation Commission has considered all of the evidence presented in connection with the Project, written and oral at the public hearing held on the 3<sup>rd</sup> day of April 2019;

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

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

SECTION 2: The Project is consistent with the objectives, policies, and general land uses and programs provided in the City's General Plan and the applicable development standards of the C-2 Commercial Zone; and

**SECTION 3:** Pursuant to City Code Section 106-145, the Planning and Preservation Commission finds that the following findings for Conditional Use Permit 2018-005 have been justified and upheld in the affirmative because of the recommended conditions of approval regarding operating procedures governing the sale of alcoholic beverages for on-site consumption. The Planning and Preservation Commission (the “Commission”) findings are as followed:

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

Pursuant to Section 106-518 of the San Fernando Municipal Code, all conditionally permitted uses within the C-1 Zone are conditionally permitted in the C-2 Zone. Pursuant to Section 106-488 the onsite sale of beer and wine is a conditionally permitted use within the C-1 Zone therefore making it conditionally permitted in the C-2 Zone. Crazy Goody, the existing restaurant, is a bona fide public eating place that provides direct table service to patrons of the establishment. The approval of the requested CUP would allow for the restaurant to offer alcoholic beverages with meals, as is customary with other similar types of bona fide public eating place within the existing floor area. Additionally, the Project site would not trigger any specific distance separation requirements from any other on-sale or off-sale alcohol outlets as currently operated because it is an exempted use as a bona fide eating place, pursuant to City Code 106-179(c)(1). Therefore, it is staff’s assessment that the proposed CUP for the ancillary sale and consumption of alcoholic beverages use is conditionally permitted within the subject zone, which complies with all applicable sections of the City’s Zoning Ordinance including the applicable development standards. Thus, it is staff’s assessment that this finding can be made.

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

Crazy Goody, located at 12940 Foothill Boulevard, Unit A, is an existing restaurant that occupies an approximate 1,600 square foot tenant space. The requested CUP to allow the ancillary sale and on-site consumption of alcoholic beverages in conjunction with the operation of an existing bona fide public eating place would allow Crazy Goody to provide services customary of other similar eating establishments. Permitting the ability for a restaurant in the city’s district expand its business through the sale and on-site consumption of alcoholic beverages served alongside meals helps foster growth and goes toward creating a vibrant retail environment within the zone.

Furthermore, to ensure the protection and preservation of surrounding neighborhood, while fostering and promoting growth in the district, the city’s standard conditions of approval for establishments requesting alcohol permits would be adopted to prevent issues associated with loitering, noise, off-site consumption of alcohol, trash and debris, and other public nuisance conditions. Noncompliance with the adopted conditions of approval would require the City to seek corrective action from the business owner and may lead to revocation of the required CUP. Therefore, the proposed sale and on-site consumption of alcohol to complement the existing restaurant food sales would not impair the integrity and character of the zone. Thus, it is staff’s assessment that this finding can be made.



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

Crazy Goody, occupies an approximate 1,600 square foot tenant space within an approximate 108,146 square foot commercial building. The subject property is approximately 4.5 acres and is located on the southern side of Foothill Boulevard just east of North Maclay Avenue and west of Arroyo Street within the C-2 Commercial Zone. The Project Site is currently developed with similar commercial uses. The ranges of uses established at the Project Site are permitted by the development standards of the zone which encourage the establishment of a diversity of uses.

The current use will not expand in size and will not create any deficiencies with regards to development standards within the zone. Thus, it is staff's assessment that this finding can be made.

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

The project site is an existing approximate 1,600 square foot tenant commercial space with established uses consisting of large retail spaces and standalone restaurants. The proposed CUP to allow for the ancillary sale and on-site consumption of alcohol ancillary to the operation of a bona fide public eating place would be compatible with those services offered to patrons of similar restaurants within the city. Additionally, the mix of uses that are within the commercial center create an inviting and vibrant retail environment for patrons. Thus, it is staff's assessment that this finding can be made.

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

The City's San Fernando Commercial (C-2) Zone is developed with a variety of commercial uses that help serve the needs of residents of the city and neighboring communities. As such, the existing restaurant is compatible with the existing commercial land uses within the vicinity of the Project Site. Furthermore, the City's General Plan Land Use Element designates the Project Site within the Neighborhood Commercial area, as a location where future uses that are envisioned for the area include the operation of similar commercial activities to those proposed by Crazy Goody.

The request to allow the sale and on-site consumption of alcoholic beverages would further supplement the services the existing restaurant offers while providing the opportunity to remain competitive with other similar dining establishments that offer alcoholic beverages along with meals. Within the C-2 Zone, the types of permitted uses like Crazy Goody are those that typically generate a significant amount of foot traffic. Therefore, the requested CUP to allow for a full service restaurant with sale and on-site consumption of alcoholic beverages ancillary to the operation of a bona fide public eating place would be compatible with the existing and future land uses envisioned within the C-2 Zone and the general area in which the proposed use is to be located. Thus, it is staff's assessment that this finding can be made.

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

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

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

Crazy Goody, has adequate provisions for public access. The subject site provides two access points off of Foothill Boulevard. Patrons seeking to dine at the restaurant and complement their meals with an alcoholic beverage have the ability to enter the tenant space from the primary entrance facing Foothill Boulevard and on-site parking area. Adequate vehicular access to the parking facilities is provided along driveways located along Foothill Boulevard. Thus, it is staff's assessment that this finding can be made in this case.

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

Within the C-2 zone, full service sit-down restaurants, with the ancillary sale and on-site consumption of alcohol beverages component are permitted through the city's review and approval of a conditional use permit. The request to allow the sale and on-site consumption of alcoholic beverage in conjunction with the operation of a bona fide public eating place is an appropriate and compatible use for the types of currently established and potentially permitted uses that the zone allows. Approval of the CUP for the on-site sale and consumption of alcoholic beverages in a bona fide public eating place (Crazy Goody) helps to encourage future development of the District. CUP approval at the Project Site facilitates the expansion of locally serving service commercial uses provided by restaurants, which in turn helps to draw new visitors to the area and foster vibrant commercial district in the city and further revitalize the area.

The requested CUP would allow for Crazy Goody to augment its offerings by providing interested patrons to enhance their dining experience with the ability to purchase on-site alcoholic beverages with their meal. The sale and on-site consumption of alcoholic beverages is a customary service offered by similar bona fide public eating places both within and outside the city. Fostering the growth of these types of establishments through the approval of a CUP promotes investment in the district and has the potential to promote redevelopment of similar properties with uses that meet the purpose and intent of the General Plan. Thus, it is staff's assessment that this finding can be made in this case.

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

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

Furthermore, approval of the requested CUP would help a goal of the City's general plan to support existing dining and entertainment uses that reduce potential commercial vacancies and "attract new commercial activities" (San Fernando General Plan Land Use Element Goals and Objectives, Pg. IV-6). Thus, it is staff's assessment that this finding can be made in this case.

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

With the adoption of the recommended conditions of approval for the requested alcohol CUP, Crazy Goody would be required to provide sufficient safeguards to deter any potential public nuisance issues and protect public interest, health, safety, convenience or welfare. Noncompliance with the conditions of approval for an approved CUP for alcohol sales would require corrective action on behalf of the business owner and may result in revocation of the granted CUP. Thus, it is staff's assessment that this finding can be made in this case.

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

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

Reported data from the City Police Department for the Project Site from January 2016 to February 2019 indicates two (2) calls for service, both of the calls were from the alarm company as a result of burglary attempts. There have been no alcohol related crimes at this location. Subject to the Applicant's compliance with required conditions of project approval, it is anticipated that approval of the requested CUP at the Project Site would not have the effect of increasing the incident reporting percentages for this reporting track. Furthermore, approval of the requested CUP with the recommended conditions of approval, would allow for the abatement of any public nuisances associated with sale of alcohol at the Project Site, with potential CUP revocation by the City if public nuisances are not corrected in a timely manner. Thus, it is staff's assessment that this finding can be made.

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

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

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

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

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

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

Crazy Goody is located within Census Tract No. 3201 and has a published total population of 7144 residents as of the United States Census. There are a total of six on-sale and off-sale alcohol licenses within the census tract.

A review of the City and ABC records indicates that there are three existing on-sale alcohol outlets (one (1) on-sale alcohol outlet for every 2,381 residents) within Census Tract No. 3201. If the CUP for the restaurant were to be granted, then there would be a total of four on-sale alcohol outlets (one (1) on-sale alcohol outlet for every 1,786 residents) within the Census Tract No. 3201. The population in Los Angeles County is 10,105,722, with ABC records showing that a total of 10,197 on-sale alcohol licenses active countywide. The ratio of on-sale licenses to population in Los Angeles County is one (1) license for every 991 residents. Since the ratio of on-sale licenses within Census Tract No. 3201 is lower than the ratio for Los Angeles County, then Census Tract No. 3201 does not have an undue concentration of on-sale licenses. Therefore, findings of public convenience and necessity are required in this case. Therefore, it is City Planning Staff's determination that findings of public convenience and necessity, pursuant to City Code Section 106-180, are not required in this case.

BE IT FURTHER RESOLVED that based upon the foregoing, the Planning and Preservation Commission hereby approves Conditional Use Permit 2018-005, subject to the Conditions of Approval attached as Exhibit "A".

PASSED, APPROVED AND ADOPTED this 3rd day of April 2019.

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ALVIN DURHAM, CHAIRPERSON

ATTEST:

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TIMOTHY T. HOU, AICP, SECRETARY TO THE PLANNING  
AND PRESERVATION COMMISSION

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

I, Timothy T. Hou, Secretary to the Planning and Preservation Commission of the City of San Fernando, do hereby certify that the foregoing Resolution was duly adopted by the Planning and Preservation Commission and signed by the Chairperson of said City at a meeting held on the 3rd day of April 2019; and that the same was passed by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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TIMOTHY T. HOU, AICP, SECRETARY TO THE PLANNING  
AND PRESERVATION COMMISSION

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

**PROJECT NO.** : **Conditional Use Permit 2018-005**

**PROJECT ADDRESS** : 12940 Foothill Boulevard, Unit A, San Fernando, CA 91340  
(Los Angeles County Assessor Identification No. 2514-001-062)

**PROJECT DESCRIPTION** : The proposed project is a request for review and approval of a conditional use permit (CUP) 2018-005 to allow for the on-site sale and consumption of beer and wine (Type 41 License) located at 12940 Foothill Boulevard, Unit A.

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

- 1) Conditional Use Permit Entitlement. The Conditional Use Permit 2018-005 is granted for the land described in this application and any attachments thereto, as reviewed by the Planning and Preservation Commission on April 3, 2019, except as herein modified to comply with these Conditions of Approval.
- 2) Indemnification. The property owner and the project applicant shall indemnify, protect, hold harmless and defend the City and any agency or instrumentality thereof, and/or any of its officers, employees and agents from any and all claims, actions, or proceedings against the City to attack, set aside, void, annul, seek monetary damages resulting from an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board or legislative body including actions approved by the voter of the City, concerning the entitlement application. City shall promptly notify both the property owner and developer of any claim, action, or proceeding to which this condition is applicable and shall further cooperate fully in the defense of the action. The City reserves its right to take any and all action the City deems to be in the best interest of the City and its citizens in regard to such defense. The property owner and developer shall defend, indemnify and hold harmless the City for all costs and fees incurred in additional investigation or study of, or for supplementing, redrafting, revising, or amending, any document (such as an environmental impact report or related environmental assessment) if made necessary through the initiation of the project. The failure of property owner to comply with the requirements of this section shall constitute a breach of the conditions of approval and the City reserves the right right to rescind any and all entitlements granted under this Resolution in accordance with the applicable procedures provided under State law for the rescission of land use entitlements.
- 3) Incidental Use. The conditional use permit is granted for the “incidental” on-site sale, purchase, and/or consumption of alcoholic beverages. The sale of alcoholic beverages shall be “incidental to the sale of other products” as defined in City Code Section 106-177 (Definitions). At the request of the Chief Planning Official satisfactory proof shall be submitted to show that the sale of annual alcohol has remained incidental to sale of other products. The applicant shall comply with all requirements of the California Department of Alcoholic Beverage Control (ABC).
- 4) Licensing. The Planning and Preservation Commission’s approval of this conditional use permit shall

permit the applicant to apply for a “Type 41 License” (On-Sale Beer & Wine) with ABC. A Type 41 License shall authorize the ancillary sale of alcoholic beverages, including beer and wine for consumption on the premises where sold.

- 5) Alcoholic Consumption Limitation. The operator of the restaurant shall comply with all the applicable city provisions for the on-site sale and consumption of alcoholic beverages in conjunction with a bona fide public eating place pursuant to City Code Sections 106-176 through 106-183. All on-site sale and consumption of alcoholic beverages shall be limited to the confines of the building. Alcoholic beverages shall not be permitted to be consumed in the parking area or other exterior areas of the premises. Alcoholic beverages shall not be sold for consumption off the premises. In addition, loitering in the public right-of-way area, parking area, and/or in front of adjacent properties is prohibited.
- 6) Minimum Age to Serve Alcohol. Employees of the restaurant that are 21 years of age or older are permitted to serve alcoholic beverages to patrons dining at the establishment. No employee that is less than 21 years of age shall engage in the preparation or service of alcoholic beverages.
- 7) Standard Conditions for On-Sale Alcohol Establishments. In addition to those conditions of approval which the Planning and Preservation Commission may otherwise impose, all on-sale conditional use permits for alcoholic beverage sales shall be subject to the following standard conditions, as required by City Code Section 106-182:
  - a. Alcoholic beverages shall not be permitted to be consumed in the parking area or other exterior areas of the premises;
  - b. Alcoholic beverages shall not be sold for consumption off the premises;
  - c. The hours of operation, including deliveries to the proposed establishment, shall be reviewed and approved by the Planning and Preservation Commission as part of the CUP application in order to ensure compatibility with the surrounding area;
  - d. All employees who serve or sell alcoholic beverages shall successfully complete a responsible beverage service training program that meets the requirements of ABC. Records of such training shall be maintained on the premises and made available to the police department personnel upon request;
  - e. Loitering in the public right-of-way, parking area and in front of adjacent properties is prohibited. For purposes of this entitlement, loitering shall mean the act of an individual or group of individuals of remaining in a particular place within the vicinity of the business for a protracted time, without directly conducting any business activity and causing the disruption of peace and enjoyment of the public at the site;
  - f. The following signs shall be conspicuously posted onsite:
    - i. Exterior signs referencing Penal Code Section 602.1. Such signs shall be clearly visible from the establishment's parking area and shall include the police department's phone number.

- ii. An interior sign in English and Spanish stating: "We ID everyone under 26 years of age for alcohol sales" with minimum dimensions of eight inches by 11 inches.
- g. Exterior public telephones that permit incoming calls shall not be located on the premises;
- h. Electronic games, including video games, shall not be located on the premises;
- i. Exterior lighting of the parking area shall provide adequate lighting for patrons while not producing glare or light spillover disturbing surrounding residential or commercial areas;
- j. Unless otherwise approved by the Chief of Police, a security camera system approved by the police department shall be installed on the premises and shall be maintained in proper working order at all times. The security camera system shall be subject to inspection by the police department. The system must be capable of producing retrievable images on film or tape that can be made a permanent record and that can be enlarged through projection or other means. The video or digital recordings generated by the system shall be maintained for a period of 30 days;
- k. The establishment shall implement preventive architectural design features as approved by the chief of police and the chief planning official in order to maintain a secure site by controlling access to the facility, open sight lines, adequate lighting levels, ambient noise levels and circulation patterns;
- l. Special security measures such as security guards, door monitors, and burglar alarms systems may be required as a condition of approval with final determination made by the Chief of Police and the Chief Planning Official on a case-by-case basis;
- m. Litter and trash receptacles shall be located at convenient locations both inside and outside the establishment, and trash and debris shall be removed on a daily basis;
- n. The exterior of the establishment, including all signs, accessory buildings and structures shall be maintained free of litter and graffiti at all times. All graffiti shall be removed from the premises within 24 hours of its discovery;
- o. With regard to those conditional use permit applications that are approved based in part upon the fact that alcohol sales on the premises are incidental to the sale of other products, proof satisfactory to the chief planning official shall be annually submitted to show that the sale of alcohol has remained incidental to the sale of other products;
- p. Within 30 days of approval of this conditional use permit, the applicant shall certify his or her acceptance of the conditions placed on the approval by signing a statement that he or she accepts and shall be bound by all of the conditions;
- q. Violation of, or noncompliance with, any of the conditions of approval shall constitute grounds for revocation of this conditional use permit; and
- r. Expansion or enlargement of the business premises over the life of the structure or the use shall be subject to review by the Community Development Department as part of the conditional use



permit approval process.

- 8) Hours of Operation. The sale of alcoholic beverages can only be sold during hours that meals are being served between the hours of operation 9:00 am to 9:00 pm, Monday through Saturday and between 8:00 am to 8:00 pm Sunday. The operator of the restaurant will be responsible for requiring that there be no loitering on the site at any time and that all customers shall leave the site no later than 30 minutes after closing. Last call for the purchase of alcoholic beverages shall be called 45 minutes before the close of business as identified in the hours of operation herein. No consumption of alcohol shall occur beyond the hours of operation. The doors to the establishment shall remain closed except upon entering and exiting the business. Changes in the hours of operation to allow for the sale and on-site consumption of alcoholic beverages beyond the hours provided above shall be subject to review and approval by the Planning and Preservation Commission.
- 9) Department of Alcoholic Beverages Control (ABC) Training. All employees who serve or sell alcoholic beverages shall successfully complete a responsible beverage service training program that meets the requirements of the ABC. All employees shall complete any applicable training required by ABC and obtain all required certifications within 30 days from the date of employment. Records of such training shall be maintained on the premises and made available to the police department personnel upon request.
- 10) Signage. Windows shall comply with the applicable City sign regulations for similarly zoned property. Proposed signage and window tinting shall require prior City planning division review and approval before the issuance of sign permit and work initiated in order to ensure that clear and unobstructed view of the cash register and sales area from the parking lot and street is maintained unless otherwise provided for by the chief planning official.
- 11) Surveillance. A security camera system approved by the City of San Fernando Police Department shall be installed on the premises and shall be maintained in proper working order at all times. The security camera system shall be subject to inspection by the police department. The system must be capable of producing retrievable images on film or tape that can be enlarged through projection or other means. The video or digital recordings generated by the system shall be maintained for a period of 30 days. Special security measures such as security guards, door monitors, and burglar alarms systems may be required as a condition of approval with final determination made by the Chief of Police and the Chief Planning Official on a case-by-case basis. In addition, the establishment shall implement preventive architectural design features as approved by the Chief of Police and the Chief Planning Official in order to maintain a secure site by controlling access to the facility, open sight lines, adequate lighting levels, ambient noise levels and circulation patterns.
- 12) Revocation. Violation of, or noncompliance with, any of these conditions of approval shall constitute grounds for revocation this conditional use permit, as provided below:
  - a. Upon the issuance of three zoning violation citations, unless successfully appealed;
  - b. Upon the revocation of the alcoholic license by ABC;
  - c. Upon any two disciplinary actions by ABC in the form of a fine or suspension of the alcoholic license, during the term of the CUP; or

- d. Where conditions and activities on and/or adjacent to an off-sale or on-sale outlet, as defined herein, interfere with the quiet enjoyment of life and property in the neighborhood, or are or tend to be, injurious to health and safety of persons in the neighborhood. These include, but are not limited to the following:
  - i. Excessive noise, noxious smells or fumes, loitering, littering, curfew violations, disturbing the peace, illegal drug activity, public drunkenness, drinking in public, public urination, public vandalism, graffiti, lewd conduct, gambling, harassment of passersby, prostitution, sale of stolen merchandise, illegal parking, traffic violations, theft, assaults, batteries;
  - ii. Illegal sale, manufacture, storing, possession, distribution of alcoholic beverages; or,
  - iii. Police detention, citation, and/or arrests for these or any other unlawful activity attributed to the sale and/or consumption of alcoholic beverages declared by the city to be a public nuisance.

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

- 13) Business License. A City of San Fernando Business License shall be maintained active at all times.
- 14) Trash Enclosure. All trash bins shall be kept free of trash overflow and maintained in a clean manner at all times. Litter and trash receptacles shall be located at convenient locations both inside and outside the establishment, and trash and debris shall be removed on a daily basis.
- 15) Property Maintenance. The project site at and its immediate surrounding area shall be maintained in a clean, neat and orderly manner at all times and shall comply with the property maintenance standards as set forth in the San Fernando City Code.
- 16) Graffiti Removal. Unless otherwise specified in the conditions of approval, the property owner(s), operator and all successors shall comply with the graffiti removal and deterrence requirements of the San Fernando City Code.
- 17) Site Inspections. The community development department shall inspect the site to assure compliance with these conditions of approval. The restaurant operator and all successors shall grant the right of access to authorized agents of the City of San Fernando to conduct periodic inspections of the property.
- 18) General Compliance. The applicant shall comply with all requirements of applicable Federal, State, or local law, ordinance, or regulation.

- 19) Modifications. Unless the Chief Planning Official deems a proposed change to the approved plans and operation a minor modification, any and all other modifications to the development plan, including these conditions of approval, shall require review and approval by the Planning and Preservation Commission. Expansion or enlargement of the business premises over the life of the structure or the use shall be subject to the CUP modification approval process.
- 20) Acceptance. Within thirty (30) days of approval of Conditional Use Permit 2018-005, the restaurant operator or their duly authorized representatives shall certify the acceptance of the conditions of approval by signing a statement using an acceptance affidavit form provided by the City of San Fernando Community Development Department that acknowledges acceptance of and commitment to adhere to all of the conditions of approval.
- 21) Recordation. The applicant shall provide the Community Development Department with proof that these Conditions of Approval included as Exhibit “A” of Planning and Preservation Commission Resolution 2019-005 has been recorded with the Los Angeles Registrar Recorder/County Clerk’s Office.
- 22) Public Review of Conditions of Approval. A copy of these conditions of approval shall be retained on-site at all times during the hours of operation of the business and shall be made available for viewing upon public request or upon request by any city official and representative of ABC. Employees of the business shall not prohibit a request of the public to view the conditions of approval for this entitlement.
- 23) Expiration. Conditional Use Permit 2018-005 shall become null and void unless exercised by initiating substantive action to implement the operation permitted by this entitlement within twelve (12) months of final approval; or until such additional time as may be granted by the Community Development Department upon receipt of a request for an extension received prior to such expiration date. Additional time in increments of six (6) months at a time may be granted, at the discretion of the Community Development Department Director. Subsequent failure to obtain and exercise an active business occupancy permit shall also cause expiration of the conditional use permit.

**CONDITIONAL USE PERMIT APPLICATION**

PROJECT INFORMATION			
SITE ADDRESS(ES) 12940 Foothill Blvd Unit A San Fernando, CA 91340			
ASSESSORS PARCEL NUMBER(S) "APN"			
LOT SIZE 1600 sq. ft.		EXISTING BUILDING (SQUARE FOOTAGE)	
PROPOSED ADDITION (SQUARE FOOTAGE) N/A		TOTAL PARKING SPACES (ON-SITE/OFF-SITE)	
PROPOSED USE(S) Beer + Wine		LANDSCAPING (SQUARE FOOTAGE)	
PROJECT DESCRIPTION/TYPE OF CONDITIONAL USE PERMIT REQUEST Include any additional information on separate sheet and attach to the back of this application Beer + Wine <sup>use</sup> to an existing full service sit down Restaurant.			
APPLICANT INFORMATION			
APPLICANT NAME Kent Clark		PHONE NUMBER 714-791-0519	
MAILING ADDRESS 12940 Foothill Blvd Unit A			
FAX NUMBER	EMAIL ADDRESS KCSOPSRMANE@aol.com	SIGNATURE K. Clark	
PROPERTY OWNER INFORMATION			
PROPERTY OWNER NAME The SFVS Co LLC. INCORPORATED		PHONE NUMBER 310-278-2036	
MAILING ADDRESS 433 W. Camden Dr. Beverly Hills, CA 90210			
FAX NUMBER 310-278-2613	EMAIL ADDRESS James@jamesgkw.com	SIGNATURE	
FOR OFFICE USE ONLY			
CUP APPLICATION \$ 3,891.20	ZONE C-6	GENERAL PLAN AREA	FILE NUMBER
AIMS SURCHARGE \$ 389.12	DATE FILED 7/30/18		CUP NO. 2018-005
ENVIRONMENTAL \$ 204.00	ACCEPTED BY Gerardo M.		AIMS NO.
NOTIFICATION \$ 120.00			
PUBLISHING \$ 600.00			
TOTAL FEE \$5,204.32			
COMMENTS		CROSS REFERENCE	
		SPR NO.	
		VAR NO.	
		OTHER	

**CERTIFIED PROPERTY OWNER'S LIST**

**AFFIDAVIT**

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

I, Kent Clark, hereby certify that the attached list contains the names and addresses of all persons to whom all property is assessed as they appear on the latest available assessment roll of the County within the area described on the attached application and for a distance of five hundred (500) feet from the exterior boundaries of the property described on the attached application.

I certify under penalty of perjury that the foregoing is true and correct.

(SIGNED)

Kent Clark

NAME

Kent Clark

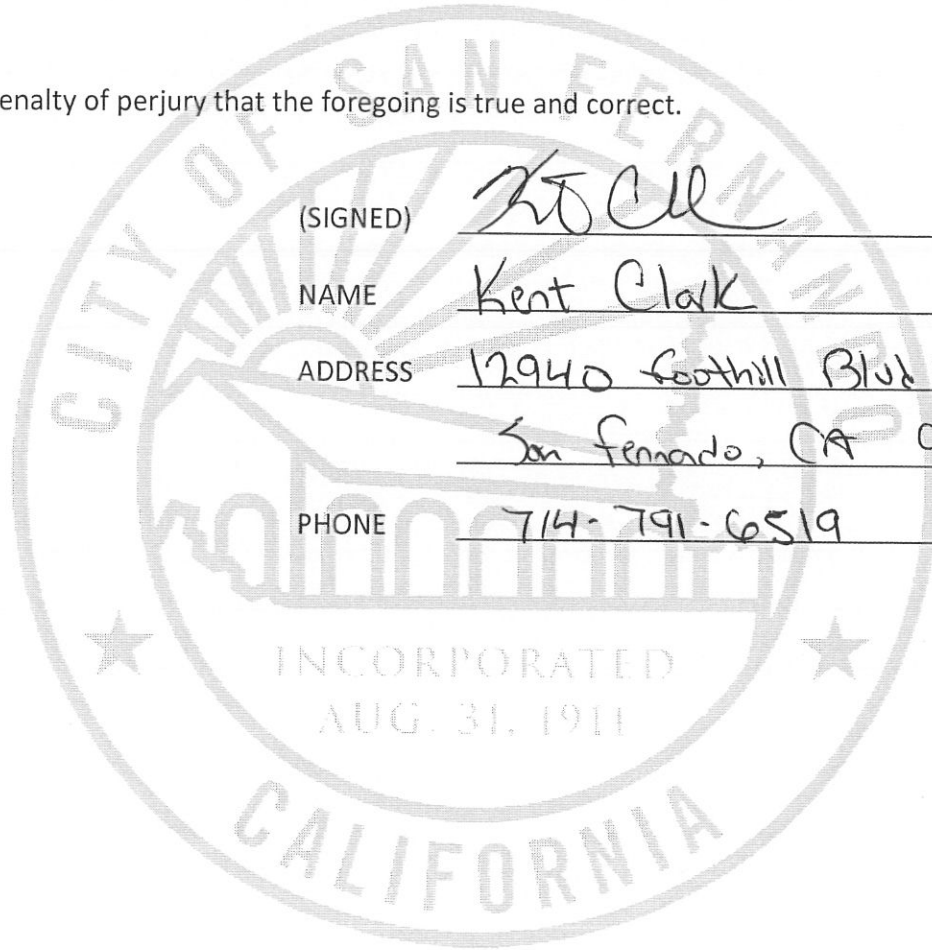
ADDRESS

12940 Foothill Blvd Unit A-

San Fernando, CA 91340

PHONE

714-791-6519



**ENVIRONMENTAL INFORMATION FORM (APPLICANT)**

**GENERAL INFORMATION**

1. NAME AND ADDRESS OF DEVELOPER OR PROJECT SPONSOR

Crazy Goody 12940 foothill Blvd Unit A San Fernando, CA 91340

2. ADDRESS OF PROJECT

3. ASSESSOR'S BLOCK AND LOT NUMBER

Kent Clark 714-791-6519 13225 Alta Vista Way Sylmar, CA 91340

4. NAME, ADDRESS, AND TELEPHONE NUMBER OF PERSON TO BE CONTACTED CONCERNING THIS PROJECT

N/A

5. LIST AND DESCRIBE ANY OTHER RELATED PERMITS AND OTHER PUBLIC APPROVALS REQUIRED FOR THIS PROJECT, INCLUDING THOSE REQUIRED BY CITY, REGIONAL, AND FEDERAL AGENCIES

for ABC Approval

6. EXISTING ZONING DISTRICT

PDA

7. PROPOSED USE OF SITE (PROJECT FOR WHICH THIS FORM IS FILLED)

Existing Restaurant

**PROJECT DESCRIPTION**

8. SITE SIZE

9. SQUARE FOOTAGE

1600

10. NUMBER OF FLOORS OF CONSTRUCTION

N/A

11. AMOUNT OF OFF-STREET PARKING PROVIDED

N/A

12. PROPOSED SCHEDULING

N/A

13. ASSOCIATED PROJECTS

N/A

14. ANTICIPATED INCREMENTAL DEVELOPMENT

N/A

15. IF RESIDENTIAL, INDICATE THE NUMBER OF UNITS, SCHEDULE OF UNIT SIZES, RANGE OF SALE PRICES OR RENTS, AND TYPE OF HOUSEHOLD SIZE EXPECTED

N/A

16. IF COMMERCIAL, INDICATE THE TYPE, WHETHER NEIGHBORHOOD, CITY OR REGIONALLY ORIENTED, SQUARE FOOTAGE OF SALES AREA, AND LOADING FACILITIES

N/A

17. IF INDUSTRIAL, INDICATE TYPE, ESTIMATED EMPLOYMENT PER SHIFT, AND LOADING FACILITIES

N/A



**PROJECT DESCRIPTION (CONTINUED)**

18. IF INSTITUTIONAL, INDICATE THE MAJOR FUNCTION, ESTIMATED EMPLOYMENT PER SHIFT, ESTIMATED OCCUPANCY, LOADING FACILITIES, AND COMMUNITY BENEFITS TO BE DERIVED FROM THE PROJECTS

N/A

19. IF THE PROJECT INVOLVES A VARIANCE, CONDITIONAL USE OR REZONING APPLICATION, STATE THIS AND INDICATE CLEARLY WHY THE APPLICATION IS REQUIRED

N/A

**ENVIRONMENTAL SETTING** Please attach a brief description of the property involved (#19) and the surrounding area (#20). This can be very short and simple, a paragraph for each item.

20. ON A SEPARATE PAGE, DESCRIBE THE PROJECT SITE AS IT EXISTS BEFORE THE PROJECT, INCLUDING INFORMATION ON TOPOGRAPHY, SOIL STABILITY, PLANTS AND ANIMALS, AND ANY CULTURAL, HISTORICAL OR SCENIC ASPECTS. DESCRIBE ANY EXISTING STRUCTURES ON THE SITE, AND THE USE OF THE STRUCTURES. ATTACH PHOTOGRAPHS OF THE SITE.

21. ON A SEPARATE PAGE, DESCRIBE THE SURROUNDING PROPERTIES, INCLUDING INFORMATION ON PLANTS AND ANIMALS AND ANY CULTURAL, HISTORICAL OR SCENIC ASPECTS. INDICATE THE TYPE OF LAND USE (RESIDENTIAL, COMMERCIAL, ETC.), INTENSITY OF LAND USE, AND SCALE OF DEVELOPMENT (HEIGHT, FRONTAGE, SET-BACK, REAR YARD, ETC.). ATTACH PHOTOGRAPHS OF THE VICINITY.

**ENVIRONMENTAL IMPACT** Are the following items applicable to the project or its effects? Discuss all items below checked "yes" (attach additional sheets as necessary).

22. CHANGE IN EXISTING FEATURES OF ANY BAYS, TIDELANDS, BEACHES, OR HILLS, OR SUBSTANTIAL ALTERATION OF GROUND CONTOURS?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
23. CHANGE IN SCENIC VIEWS OR VISTAS FROM EXISTING RESIDENTIAL AREA OR PUBLIC LANDS OR ROADS?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
24. CHANGE IN PATTERN, SCALE OR CHARACTER OF GENERAL AREA OF THE PROJECT?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
25. SIGNIFICANT AMOUNTS OF SOLID WASTE OR LITTER?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
26. CHANGE IN DUST, ASH, SMOKE, FUMES, OR ODORS IN VICINITY?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
27. CHANGE IN OCEAN, BAY, LAKE, STREAM, OR GROUND WATER QUALITY OR QUANTITY, OR ALTERATION OF EXISTING DRAINAGE PATTERNS?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
28. SUBSTANTIAL CHANGE IN EXISTING NOISE OR VIBRATION LEVELS IN THE VICINITY?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
29. SITE ON FILLED LAND OR SLOPE OF 10 PERCENT OR MORE?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
30. USE OF DISPOSAL OF POTENTIALLY HAZARDOUS MATERIALS SUCH AS TOXIC SUBSTANCES, FLAMMABLES OR EXPLOSIVES?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
31. SUBSTANTIAL CHANGE IN DEMAND FOR MUNICIPAL SERVICES (POLICE, FIRE, WATER, SEWAGE, ETC.)?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
32. SUBSTANTIAL INCREASE IN FOSSIL FUEL CONSUMPTION (ELECTRICITY, OIL, NATURAL GAS, ETC.)?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
33. RELATIONSHIP TO LARGER PROJECT OR SERIES OF PROJECTS?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO

**CERTIFICATION** I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

APPLICANT NAME

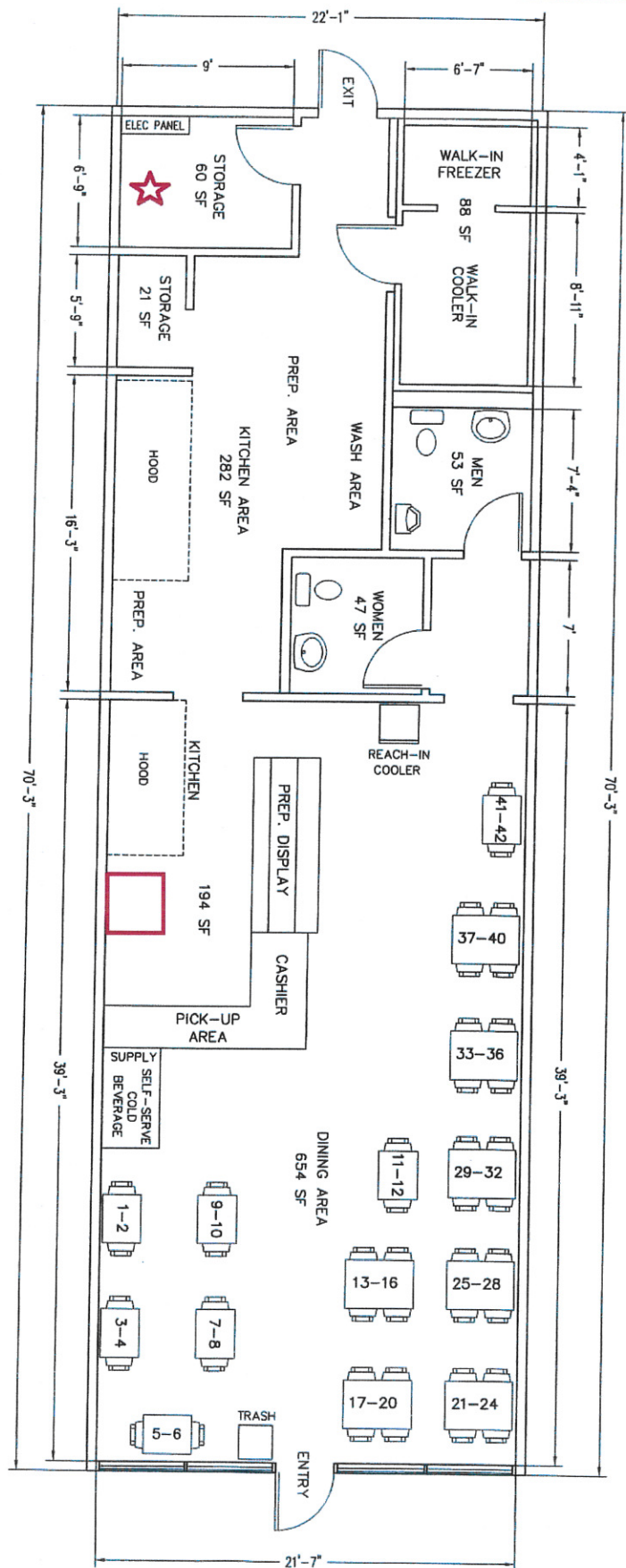
Kent Clark

APPLICANT SIGNATURE

Kent Clark

DATE

7/30/18



TOTAL SEATING = 42

OCCUPANCY LOAD  
TO BE DETERMINED BY  
FIRE / BUILDING AND  
SAFETY DEPARTMENT

AREAS	
DINING AREA =	654 Sq.Ft.
STORAGE =	81 Sq.Ft.
COOLER / FREEZER =	88 Sq.Ft.
KITCHEN/SERVICE AREA =	476 Sq.Ft.
RESTROOMS =	100 Sq.Ft.
MISCELLANEOUS =	151 Sq.Ft.
TOTAL AREA =	1,550 Sq.Ft.

NOTE: MISCELLANEOUS AREA INCLUDES WALLS, HALLWAYS, ETC

# FLOOR PLAN

CONTINENTAL MAPPING SERVICE

6315 VAN NUYS BLVD., STE 208  
VAN NUYS, CA 91401  
818-787-1663

SITUS: CRAZY GOODY

12940 FOOTHILL BOULEVARD  
SAN FERNANDO, CA 91340

CASE NO:

DATE: 5-21-18

SCALE: 1/8" = 1'-0"  
DWG. NO. 1802



**NOTICE OF A  
PUBLIC HEARING**

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

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

**DATE:** March 5, 2019

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

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

**PROJECT LOCATION:** 12940 Foothill Boulevard #A, San Fernando, CA  
(Los Angeles County Assessor's Parcel No: 2514-001-062)

**APPLICATION:** Conditional Use Permit 2018-009


**PROJECT DESCRIPTION:**

The project consists of a request for the approval of a Conditional Use Permit to allow for the on-site sale of beer and wine in a sit-down restaurant (License Type 47) within the C-2 Commercial Zone. The project site is located in a 1,600 square foot commercial building and is located on the southern side of Foothill Boulevard just east of North Maclay Avenue and west of Arroyo Street.

Pursuant to the California Environmental Quality Act (CEQA) of 1970, the project is exempt pursuant to Class 1 Section 15301 (Operation, repair, maintenance, or minor alteration of existing structures or facilities not expanding existing uses) of CEQA. Members of the public are invited to submit written comments regarding said project by or before the close of the public hearing. Written responses received by noon, February 28, 2019 will be included with the staff report for review by the Commission.

**Interested members of the public may also provide verbal comments or written comments regarding any aspect of the proposed project during the public comment portion of the public hearing on this matter. Please note that interested parties who may later wish to appeal or otherwise challenge any findings made or action taken by the Planning and Preservation Commission may be limited to appealing or challenging only those issues or concerns that were raised orally or in writing by or before the close of the public hearing conducted by the Planning and Preservation Commission.**

For further information regarding this proposal, please contact Gerardo Marquez, Associate Planner at (818) 837-1540 or [gmarquez@sfcity.org](mailto:gmarquez@sfcity.org) or by written correspondence to: City of San Fernando, Community Development Department, 117 Macneil Street, San Fernando, CA 91340-2993.

  
**Timothy T. Hou, AICP**  
 Director of Community Development



**LMG**

Map Prepared by:

Leon Mapping & GIS Services  
15031 Chatsworth St, Ste 17  
Mission Hills, CA 91345  
818-235-7649  
leonmapping@hotmail.com  
www.leonmapping.com

12940 FOOTHILL BLVD # A

**CONDITIONAL USE PERMIT**

SITE BOUNDARIES EXTENDED TO MALL FOR NOTIFICATION PURPOSES

DATE: 07/26/2017  
UPDATE: \_\_\_\_\_

1 TO 68 OWNERS  
88 PARCELS

CASE #  
USES: FIELD

CONTACT: KENT CLARK  
714-791-6519



**MEETING DATE:** April 3, 2019

**COMMISSION CONSIDERATION:**

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

a. To Approve:

“I move to approve Conditional Use Permit 2019-001 and Site Plan Review 2019-002, pursuant to Planning and Preservation Commission Resolution No. 2019-006 and the Conditions of Approval attached as Exhibit “A” to allow for a 2,300 square foot 24 hour gasoline refueling service station in conjunction with a grocery store with limited sales of beer and wine and ancillary 920 square foot automatic carwash to be located at 1203 N. Maclay Avenue... (Roll Call Vote)

b. To Deny:

“I move to deny Conditional Use Permit 2019-001 and Site Plan Review 2019-002, based on the following...” (Roll Call Vote)

c. To Continue:

“I move to continue Conditional Use Permit 2019-001 and Site Plan Review 2019-002 to the following date...” (Roll Call Vote)

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

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

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

**NEW BUSINESS ITEM 1:  
Conditional Use Permit 2019-001 and  
Site Plan Review 2019-002**





## AGENDA REPORT

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

**From:** Timothy T. Hou, AICP, Director of Community Development  
Gerardo Marquez, Associate Planner

**Date:** April 3, 2019

**Subject:** **Conditional Use Permit 2019-001 and Site Plan Review 2019-002**  
1203 North Maclay Avenue, San Fernando, CA 91340  
(Los Angeles County Assessor Identification No: 2513-020-040)

**Proposal:** The project consists of a request for the approval of a Conditional Use Permit and Site Plan Review for the development of a 2,300 square foot 24 hour gasoline refueling service station in conjunction with a grocery store with limited sales of beer and wine and an ancillary 920 square foot automatic carwash within the Maclay District of the San Fernando Corridors Specific Plan (SP-5) Zone. The project site is located on an 18,000 square foot lot and is located at the northwestern corner of North Maclay Avenue and Eighth Street.

**APPLICANT:** Michael Pauls  
6475 E. Pacific Coast Hwy #135, Long Beach, CA 90803

### **RECOMMENDATION:**

Staff recommends that the Planning and Preservation Commission approve Conditional Use Permit (CUP) 2019-001 and Site Plan Review 2019-002 pursuant to Planning and Preservation Commission Resolution No. 2019-006 and Conditions of Approval, attached as Exhibit "A" (Attachment "A"), to allow for a 2,300 square foot 24 hour gasoline refueling service station in conjunction with a grocery store with limited sales of beer and wine and an ancillary 920 square foot automatic carwash Located at 1203 North Maclay Avenue.

### **PROJECT OVERVIEW:**

On March 7, 2019, Michael Pauls (the "Applicant"), submitted a Conditional Use Permit (CUP) application seeking to entitle a site plan review for a 2,300 square foot 24 hour gasoline refueling service station in conjunction with a grocery store with limited sales of beer and wine and an ancillary 920 square foot automatic carwash (Attachment "B").

The site is an approximately 18,000 square foot lot with an approximate 1,125 square foot commercial building (Attachment "C"). The subject property is located on the northwest corner

of North Maclay Avenue and Eighth Street. The subject site is within the Neighborhood Service Overlay of the Maclay District and is also within the Neighborhood Service Overlay area of SP-5.

Pursuant to Table 4.1 of SP-5, the proposed use of a gasoline service station is a conditionally permitted use within the Maclay District. In addition to the service station, the grocery store component of the project is a permitted use given that the subject property is within the Neighborhood Service Overlay area of SP-5. As an additional service the project will include a 920 square foot automatic carwash which will be an ancillary use to the gasoline service station business.

The applicant has proposed for there to be limited sales of beer and wine (Type 20 License: Off-Sale Beer & Wine) within the grocery store. San Fernando Municipal Code Section 106-179(c)(3) exempts this project from meeting the minimum 600 foot distance requirement from other off-site existing uses, residential zones, hospitals, day care facilities and churches due to the fact that the proposed establishment will dedicate less than 10 percent of the total gross floor area to display and storage of alcohol. Additional discussion regarding the proposed CUP and the required findings for approval of the project are provided in the Analysis section of this report.

#### **BACKGROUND:**

1. General Plan Land Use and Zoning Designation: The Project Site at 1203 North Maclay is located within the Neighborhood Service Overlay of the Maclay District of the SP-5 Zone and maintains a Neighborhood Commercial land use designation in the General Plan Land Use Element.
2. Site Location and Description: The Project Site is an approximate 18,000 square foot parcel on the northwest corner of Maclay Avenue and Eighth Street. The Project Site abuts the City of Los Angeles to the north, similarly zoned Maclay District parcels to the south and east, and single family zoned residential property to the west. The current site provides a standalone building that is being utilized as a smog check station and tire repair businesses. This property is unique in that a portion of the project is within the City of Los Angeles, the applicant has communicated with the City of Los Angeles and confirmed that the City of San Fernando has full authority over the proposal due to the fact that the improvements are entirely within the City of San Fernando.
3. Environmental Review: Pursuant to the California Environmental Quality Act (CEQA) of 1970, based on that assessment, the project has been determined to be Categorically Exempt under Class 32 (In-fill Development Projects) of the City's adopted local CEQA Guidelines.

4. Legal Notification: On March 21, 2019, a public hearing notice was published in the print and online versions of the legal advertisement section of the *San Fernando Sun Newspaper*. In addition, on March 21, 2019, a public hearing notice was posted at the Project Site, at the two City Hall bulletins, and at the local branch of the Los Angeles County Library (217 N. Maclay Avenue). Notices of the public hearing for this CUP request were also mailed to all property owners of record within 500 feet of the Project Site (Attachment “D”).
5. Public Comments: As of the date of preparation of this staff report, no comments were received from the public regarding this CUP and site plan review request. Any comments received after the distribution of this report shall be read into the record at the public hearing.

#### ANALYSIS:

1. General Plan Consistency. The requested CUP to allow for the development of a 2,300 square foot 24 hour gasoline refueling service station in conjunction with a grocery store with limited sales of beer and wine and an ancillary 920 square foot automatic carwash at 1203 North Maclay is consistent with the following goals and objectives of the San Fernando General Plan Land Use Element by:
  - ✓ Attracting new commercial activities;
  - ✓ Promoting economic viability of commercial areas;
  - ✓ Maintaining an identity that is distinct from surrounding communities;

(San Fernando General Plan Land Use Element Goals I-IV, Pg. IV-6)
2. Zoning Consistency. Pursuant to Table 4.1 of SP-5, the proposed use of a gasoline service station is a conditionally permitted use within the Maclay District. The grocery store component of the project is a permitted use given that the subject property is within the Neighborhood Service Overlay area of SP-5. As an additional service, the project will include a 920 square foot automatic carwash which will be an ancillary use to the gasoline service station business.
3. Grocery Store, Gasoline Service Station and Carwash. The new 2,300 square foot building will provide a convenience store to the surrounding community. The new building will be located on the corner of the subject property closest to the intersection of Maclay Avenue and Eighth Street in order to facilitate pedestrian access and create an appropriate walking environment. The new building will be developed in accordance with the development and design standards of the Maclay District of the SP-5 Zone. The new building will be constructed with mission style architectural features which will complement existing buildings along the Maclay District. A 3,025 square foot canopy, constructed just north of the proposed standalone grocery store, will provide shelter for 4 pump islands. The

automatic carwash component of the project is considered by staff to be an ancillary use to the proposed gasoline service station. The proposed 920 square foot standalone structure will match the design of the grocery store and will meet all of the development standards with regards to height and setbacks. When the project was first proposed, staff expressed concerns about potential noise impact to the adjacent residential properties to the west of the subject property. The applicant noted that the automatic carwash will have doors that open and close at the entrance and exit that mitigate potential noise. Additionally the applicant submitted a Noise Impact Study that determines that the projected noise from the carwash is “not considered significant” (Attachment “E”). Hours of operation limits shall be part of the conditions of approval for the operation of the carwash in order to mitigate any potential disturbances to adjacent residents.

4. Parking. The site will provide appropriate parking that meets the development standards of SP-5. Pursuant to Table 4.3 of SP-5, the project requires 12 parking stalls. The 2,300 square foot standalone building requires approximately 8 parking stalls while the gas service component of the project requires 4 stalls. The project will provide 4 parking stalls adjacent to the west side of the building one of which will be ADA compliant parking, while the other 8 stalls will be provided by the fueling positions at the pump islands.
5. Type 20 License: Off-Sale Beer & Wine. The applicant has proposed for there to be limited sales of beer and wine (Type 20: Off-Sale Beer & Wine) within the grocery store. San Fernando Municipal Code Section 106-179(c)(3) exempts this project from meeting the minimum 600 foot distance requirement from other off-site existing uses, residential zones, hospitals, day care facilities and churches due to the fact that the proposed establishment will dedicate less than 10 percent of its total gross floor area to display and storage of alcohol.

Based on the review of the requested CUP, it is City Planning Staff’s assessment that the grocery store would qualify for the Commission’s consideration of a CUP for the off-site sale of beer and wine (Type 20; Off-Sale Beer & Wine), subject to the conditions of approval attached as Exhibit “A” in Planning and Preservation Commission Resolution No. 2019-006.

Distance Separation Requirements. As previously noted, Municipal Code Section 106-179(c)(3) grocery stores that provide less than 10 percent of the total gross floor area to display and storage of alcohol are exempt from distance separation requirements that would otherwise apply to businesses seeking a CUP for either the on-site sale or off-sale of alcoholic beverages.

Type 20 Alcohol License Provisions. The State’s Alcoholic Beverage Control Act, codified as Division 9 of the Business and Professions Code, establishes the provisions for the issuance of licenses for alcoholic beverages, including beer, and wine. The issuance of an on-sale



beer & wine – eating place in the State is administered by the California Department of Alcoholic Beverage Control (ABC).

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

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

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

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

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

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

The proposed project is located within Census Tract No. 3201 and has a published total population of 7144 residents as of the United States Census. There are a total of six on-sale and off-sale alcohol licenses within the census tract.

A review of City and ABC records indicates that there are three existing off-sale alcohol outlets (one (1) off-sale alcohol outlet for every 2,381 residents) within Census Tract No. 3201. If the CUP for the project were to be granted, then there would be a total of four off-sale alcohol outlets (one (1) off-sale alcohol outlet for every 1,786 residents) within the Census Tract No. 3201. The population in Los Angeles County is 10,105,722, with ABC records showing that a total of 6,299 on-sale alcohol licenses active countywide. The ratio of on-sale licenses to population in Los Angeles County is one (1) license for every 1,604 residents. Since the ratio of off-sale licenses within Census Tract No. 3201 is lower than the ratio for Los Angeles County, then Census Tract No. 3201 does not have an undue concentration of on-sale licenses. Therefore, findings of public convenience and necessity are not required in this case.

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

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

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

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

Pursuant to Table 4.1 of the San Fernando Corridors Specific Plan, the proposed use of a gasoline service station is a conditionally permitted use within the Maclay District. In addition to the service station the grocery store component of the project is a permitted use with the conditionally permitted off-site sales of beer and wine given that the subject property is within the Neighborhood Service Overlay area of SP-5. As an additional service the 920 square foot automatic carwash will be an ancillary use to the gasoline service station business. Thus, it is staff's assessment that this finding can be made.

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

The proposed development will provide a new building that will fit the character of adjacent properties and businesses. The project will facilitate pedestrian access and create an appropriate walking environment that will foster growth and goes toward creating a lively environment within the Maclay District.

Furthermore, to ensure the protection and preservation of surrounding neighborhood, while fostering and promoting growth in the district, the city's standard conditions of approval would be adopted to prevent issues associated with loitering, noise, off-site consumption of alcohol, trash and debris, and other public nuisance conditions. Noncompliance with the adopted conditions of approval would require the City to seek corrective action from the business owner and may lead to revocation of the required CUP. Therefore, the proposed gasoline refueling service station in conjunction with a grocery store with limited sales of beer and wine and an ancillary automatic carwash would not impair the integrity and character of the zone. Thus, it is staff's assessment that this finding can be made.

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

The proposed project is located on an approximately 18,000 square foot lot and sits on the northwest corner of Maclay Avenue and Eighth Street, within the Maclay District of SP-5. The Project Site is currently occupied by smog check and tire repair automobile service uses. The property will provide adequate ingress and egress by having two 30 foot wide driveways, one approach off of Eighth Street and the other off of Maclay Avenue. The project meets its parking requirements with regards to the gasoline service station and grocery store. The carwash or the off-site sales of beer and wine will not require additional parking. The proposed use will not create any deficiencies with regards to development standards within the zone. Thus, it is staff's assessment that this finding can be made.

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

The current site provides a standalone building that is being utilized as a smog check station and tire repair business. This property is unique in that a small portion of the project is within the City of Los Angeles. The applicant has communicated with the City of Los Angeles and confirmed that the City of San Fernando has full authority over the proposal due to the fact that the improvements are entirely within the City of San Fernando. The proposed CUP to allow for a gasoline refueling service station in conjunction with a grocery store with limited sales of beer and wine and an ancillary automatic carwash would be compatible with surrounding uses and would provide additional services to the community. Thus, it is staff's assessment that this finding can be made.

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

The Maclay District is developed with a variety of service uses that help meet the needs of residents of the city and neighboring communities. As such, the proposed development is compatible with the existing commercial and service land uses within the vicinity of the Project Site. Furthermore, the City's General Plan Land Use Element designates the Project Site within the Neighborhood Commercial area, as a location where future uses that are envisioned for the area include the operation of similar commercial activities to those proposed by this project.

The request to allow for this project would further augment the services available within the vicinity. The City of San Fernando does not have any gas service stations within the proposed vicinity. The proposed project would help provide additional services to the residents of San Fernando while at the same time developing a parcel to its highest and best use. Thus, it is staff's assessment that this finding can be made.

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

The proposed project will be adequately served by existing water, sanitation and public utilities. Any required future improvements to infrastructure and public utilities with the change of occupancy would be required to be developed in compliance with the requirements of the city's building and health and safety codes, including any requirements for off-site improvements and utility connections from the City's Public Works Department (Attachment "F"). Thus, it is staff's assessment that this finding can be made.

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

The proposed project is located on an approximately 18,000 square foot lot and will provide adequate ingress and egress by having two 30 foot wide driveways, one approach off of Eighth Street and the other off of Maclay Avenue. The proposed use will not create any deficiencies with regards to development standards within the zone. Thus, it is staff's assessment that this finding can be made.

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

Within the Maclay District of SP-5 gasoline service stations is a conditionally permitted use, additionally site is within the Neighborhood Services Overlay which also allows for the grocery store use. Approval of the CUP for the development of a gas service station with ancillary car wash along with a grocery store helps to encourage future development of the District. CUP approval at the Project Site facilitates the expansion of locally serving service commercial uses provided, which in turn helps to draw new visitors to the area from just outside city limits, create a higher performing district and further revitalize the area.

Fostering the growth of these types of establishments through the approval of a CUP for the additional service promotes investment in the district and has the potential to promote future redevelopment of other properties with uses that meet the purpose and intent of the City of San Fernando. Thus, it is staff's assessment that this finding can be made in this case.

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

Permitting the ability for a gas service station along with a grocery store use with the conditionally permitted off-sale beer and wine in the city with an ancillary carwash helps foster growth and goes toward creating a more vibrant environment within the District while helping maintain an identity within the area that is distinct from surrounding communities. Furthermore, approval of the requested CUP would help support existing dining and entertainment uses that reduce potential commercial vacancies and "attract new commercial activities" (San Fernando General Plan Land Use Element Goals and Objectives, Pg. IV-6). Thus, it is staff's assessment that this finding can be made in this case.

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

The requested CUP is to allow for an gasoline refueling service station in conjunction with a grocery store with limited sales of beer and wine and an ancillary automatic carwash as established by Table 4.1 of the SP-5 Zone. In addition, allowing for the sale of alcoholic beverages, including beer and wine, for consumption off-site (Type 20: Off-Sale Beer & Wine), would allow for the ongoing viability of an existing restaurant within the zone. With the adoption of the recommended conditions of approval for the requested CUP, the operator would be required to provide sufficient safeguards to deter any potential public nuisance issues and protect public interest, health, safety, convenience or welfare. Noncompliance with the conditions of approval for an approved CUP for alcohol sales would require corrective action on behalf of the business owner and may result in revocation of the granted CUP. Thus, it is staff's assessment that this finding can be made in this case.

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

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

Reported data from the City Police Department for the Project Site from January 2016 to February 2019 indicates 13 calls for service, calls ranged from burglary to suspicious activities. Subject to the Applicant's compliance with required conditions of project approval, it is anticipated that approval of the requested CUP at the Project Site would not have the effect of increasing the incident reporting percentages for this reporting track. Additionally this would be a brand new project therefore eliminating existing "attractive nuisance" conditions of the site. Furthermore, approval of the requested CUP with the recommended conditions of approval, would allow for the abatement of any public nuisances associated with sale of alcohol at the Project Site, with potential CUP revocation by the City if public nuisances are not corrected in a timely manner. Thus, it is staff's assessment that this finding can be made.

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

As proposed, the off-site sale of beer and wine (Type 20 License), would augment the services they provide as an ancillary use to the proposed grocery store. There shall be no drinking of alcohol allowed on or along the premises. Failure to address public nuisances issues associated with sale, purchase, and/or consumption of alcoholic beverages would result in city abatement action, including but not limited to, possible

revocation of the CUP for repeated noncompliance. While the grocery store is exempt from meeting distance requirements for the sale of off-site consumption of beer and wine, is not expected to have an impact on any residential use, church, hospital, educational institution, day care facility, park, or library within the surrounding area.

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

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

Pursuant to City Code Section 106-179(c)(1), grocery stores providing less than 10 percent of alcohol display and storage area are exempt from distance separation requirements that would otherwise apply to businesses seeking a CUP for either the on-site sale or off-sale of alcoholic beverages. Thus, it is staff's assessment that this finding can be made in this case.

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

The proposed project is located within Census Tract No. 3201 and has a published total population of 7144 residents as of the United States Census. There are a total of six on-sale and off-sale alcohol licenses within the census tract.

A review of the City and ABC records indicates that there are three existing off-sale alcohol outlets (one (1) off-sale alcohol outlet for every 2,381 residents) within Census Tract No. 3201. If the CUP for the project were to be granted, then there would be a total of four off-sale alcohol outlets (one (1) off-sale alcohol outlet for every 1,786 residents) within the Census Tract No. 3201. The population in Los Angeles County is 10,105,722, with ABC records showing that a total of 6,299 on-sale alcohol licenses active countywide. The ratio of on-sale licenses to population in Los Angeles County is one (1) license for every 1,604 residents. Since the ratio of off-sale licenses within Census Tract No. 3201 is lower than the ratio for Los Angeles County, then Census Tract No. 3201 does not have an undue concentration of on-sale licenses. Therefore, findings of public convenience and necessity are not required in this case. Therefore, it is City Planning Staff's determination that findings of public convenience and necessity, pursuant to City Code Section 106-180, are not required in this case.

**CONCLUSION:**

In light of the forgoing analysis, it is staff's assessment that Commission approval of the CUP 2019-001 and Site Plan Review 2019-002 is warranted. Commission approval of CUP 2019-001 and SPR 2019-002 is recommended by City Planning Staff in order to allow for the development of a 2,300 square foot 24 hour gasoline refueling service station in conjunction with a grocery store with limited sales of beer and wine and an ancillary 920 square foot automatic carwash within the Maclay District of the San Fernando Corridors Specific Plan (SP-5) Zone.

Based on the above findings, City Planning Staff recommends that the Planning and Preservation Commission approve Conditional Use Permit (CUP) 2019-001 and Site Plan Review (SPR) 2019-002, pursuant to Planning and Preservation Commission Resolution 2019-006 and the conditions of approval attached as Exhibit "A" to the resolution (Attachment "A").

**ATTACHMENTS:**

- A. Planning and Preservation Commission Resolution 2019-006 and Exhibit "A": Conditions of Approval
- B. Conditional Use Permit/Site Plan Review Applications
- C. Set of Plans
- D. Notice of Public Hearing Published in the *San Fernando Sun Newspaper*
- E. Noise Impact Study
- F. Public Works Comments



**RESOLUTION NO. 2019-006**

**A RESOLUTION OF THE PLANNING AND PRESERVATION COMMISSION OF THE CITY OF SAN FERNANDO APPROVING CONDITIONAL USE PERMIT 2019-001 AND SITE PLAN REVIEW 2019-002 FOR THE DEVELOPMENT OF A 2,300 SQUARE FOOT 24 HOUR GASOLINE REFUELING SERVICE STATION IN CONJUNCTION WITH A GROCERY STORE WITH LIMITED SALES OF BEER AND WINE AND AN ANCILLARY 920 SQUARE FOOT AUTOMATIC CARWASH WITHIN THE MACLAY DISTRICT OF THE SAN FERNANDO CORRIDORS SPECIFIC PLAN (SP-5) ZONE LOCATED AT 1203 NORTH MACLAY.**

WHEREAS, an application has been filed by Michael Pauls, 6475 E Pacific Coast Hwy #135, Long Beach CA 90803 (the "Applicant"), to request approval of a Conditional Use Permit and Site Plan Review for the development of a 2,300 square foot 24 hour gasoline refueling service station in conjunction with a grocery store with limited sales of beer and wine and an ancillary 920 square foot automatic carwash within the Maclay District of the San Fernando Corridors Specific Plan (SP-5) Zone. The project site is located on an 18,000 square foot lot and is located on the northwestern corner of North Maclay Avenue and Eighth Street.

WHEREAS, the Applicant has requested approval of the requested conditional use permit pursuant to Table 4.1 of SP-5, the proposed use of a gasoline service station is a conditionally permitted use within the Maclay District. In addition to the service station the grocery store component of the project is a permitted use given that the subject property is within the Neighborhood Service Overlay area of SP-5. As an additional service the project will include a 920 square foot automatic carwash which will be an ancillary use to the gasoline service station business located at 1203 North Maclay Avenue;

WHEREAS, the Planning and Preservation Commission has considered all of the evidence presented in connection with the Project, written and oral at the public hearing held on the 3<sup>rd</sup> day of April 2019;

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

SECTION 1: Pursuant to the California Environmental Quality Act (CEQA) of 1970, based on that assessment, the project has been determined to be Categorically Exempt under Class 32 (In-fill Development Projects) of the City's adopted local CEQA Guidelines;

SECTION 2: The Project is consistent with the objectives, policies, and general land uses and programs provided in the City's General Plan and the applicable development standards of the Maclay District within the SP-5 Zone; and

SECTION 3: Pursuant to City Code Section 106-145, the Planning and Preservation Commission finds that the following findings for Conditional Use Permit 2019-001 have been

justified and upheld in the affirmative because of the recommended conditions of approval regarding operating procedures governing the sale of alcoholic beverages for on-site consumption. The Planning and Preservation Commission (the “Commission”) findings are as followed:

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

Pursuant to Table 4.1 of the San Fernando Corridors Specific Plan, the proposed use of a gasoline service station is a conditionally permitted use within the Maclay District. In addition to the service station the grocery store component of the project is a permitted use with the conditionally permitted off-site sales of beer and wine given that the subject property is within the Neighborhood Service Overlay area of SP-5. As an additional service the 920 square foot automatic carwash will be an ancillary use to the gasoline service station business. Thus, it is staff’s assessment that this finding can be made.

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

The proposed development will provide a new building that will fit the character of adjacent properties and businesses. The project will facilitate pedestrian access and create an appropriate walking environment that will foster growth and goes toward creating a lively environment within the Maclay District.

Furthermore, to ensure the protection and preservation of surrounding neighborhood, while fostering and promoting growth in the district, the city’s standard conditions of approval would be adopted to prevent issues associated with loitering, noise, off-site consumption of alcohol, trash and debris, and other public nuisance conditions. Noncompliance with the adopted conditions of approval would require the City to seek corrective action from the business owner and may lead to revocation of the required CUP. Therefore, the proposed gasoline refueling service station in conjunction with a grocery store with limited sales of beer and wine and an ancillary automatic carwash would not impair the integrity and character of the zone. Thus, it is staff’s assessment that this finding can be made.

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

The proposed project is located on an approximately 18,000 square foot lot and sits on the northwest corner of Maclay Avenue and Eighth Street, within the Maclay District of SP-5. The Project Site is currently occupied by smog check and tire repair automobile service uses. The property will provide adequate ingress and egress by having two 30 foot wide driveways, one approach off of Eighth Street and the other off of Maclay Avenue. The project meets its parking requirements with regards to the gasoline service station and grocery store. The carwash or the off-site sales of beer and wine will not require additional parking. The proposed use will not create any deficiencies with regards to development standards within the zone. Thus, it is staff’s assessment that this finding can be made.

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

The current site provides a standalone building that is being utilized as a smog check station and tire repair business. This property is unique in that a small portion of the project is within the City of Los Angeles. The applicant has communicated with the City of Los Angeles and confirmed that the City of San Fernando has full authority over the proposal due to the fact that the improvements are entirely within the City of San Fernando. The proposed CUP to allow for a gasoline refueling service station in conjunction with a grocery store with limited sales of beer and wine and an ancillary automatic carwash would be compatible with surrounding uses and would provide additional services to the community. Thus, it is staff's assessment that this finding can be made.

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

The Maclay District is developed with a variety of service uses that help meet the needs of residents of the city and neighboring communities. As such, the proposed development is compatible with the existing commercial and service land uses within the vicinity of the Project Site. Furthermore, the City's General Plan Land Use Element designates the Project Site within the Neighborhood Commercial area, as a location where future uses that are envisioned for the area include the operation of similar commercial activities to those proposed by this project.

The request to allow for this project would further augment the services available within the vicinity. The City of San Fernando does not have any gas service stations within the proposed vicinity. The proposed project would help provide additional services to the residents of San Fernando while at the same time developing a parcel to its highest and best use. Thus, it is staff's assessment that this finding can be made.

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

The proposed project will be adequately served by existing water, sanitation and public utilities. Any required future improvements to infrastructure and public utilities with the change of occupancy would be required to be developed in compliance with the requirements of the city's building and health and safety codes, including any requirements for off-site improvements and utility connections from the City's Public Works Department (Attachment "F"). Thus, it is staff's assessment that this finding can be made.

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

The proposed project is located on an approximately 18,000 square foot lot and will provide adequate ingress and egress by having two 30 foot wide driveways, one approach off of Eighth Street and the other off of Maclay Avenue. The proposed use will not create any deficiencies with regards to development standards within the zone. Thus, it is staff's assessment that this finding can be made.

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

Within the Maclay District of SP-5 gasoline service stations is a conditionally permitted use, additionally site is within the Neighborhood Services Overlay which also allows for the grocery store use. Approval of the CUP for the development of a gas service station with ancillary car wash along with a grocery store helps to encourage future development of the District. CUP approval at the Project Site facilitates the expansion of locally serving service commercial uses provided, which in turn helps to draw new visitors to the area from just outside city limits, create a higher performing district and further revitalize the area.

Fostering the growth of these types of establishments through the approval of a CUP for the additional service promotes investment in the district and has the potential to promote future redevelopment of other properties with uses that meet the purpose and intent of the City of San Fernando. Thus, it is staff's assessment that this finding can be made in this case.

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

Permitting the ability for a gas service station along with a grocery store use with the conditionally permitted off-sale beer and wine in the city with an ancillary carwash helps foster growth and goes toward creating a more vibrant environment within the District while helping maintain an identity within the area that is distinct from surrounding communities. Furthermore, approval of the requested CUP would help support existing dining and entertainment uses that reduce potential commercial vacancies and "attract new commercial activities" (San Fernando General Plan Land Use Element Goals and Objectives, Pg. IV-6). Thus, it is staff's assessment that this finding can be made in this case.

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

The requested CUP is to allow for an gasoline refueling service station in conjunction with a grocery store with limited sales of beer and wine and an ancillary automatic carwash as established by Table 4.1 of the SP-5 Zone. In addition, allowing for the sale of alcoholic beverages, including beer and wine, for consumption off-site (Type 20: Off-Sale Beer & Wine), would allow for the ongoing viability of an existing restaurant within the zone. With the adoption of the recommended conditions of approval for the requested CUP, the operator would be required to provide sufficient safeguards to deter any potential public nuisance issues and protect public interest, health, safety, convenience or welfare. Noncompliance with the conditions of approval for an approved CUP for alcohol sales would require corrective action on behalf of the business owner and may result in revocation of the granted CUP. Thus, it is staff's assessment that this finding can be made in this case.

Section 4 Supplemental Findings for Off-Sale CUPs. In addition to those findings set forth in City Code Section 106-145, applications for conditional use permits involving any use that

involves the sale, serving, and/or consumption of alcoholic beverages shall require the Planning and Preservation Commission to make the following findings:

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

Reported data from the City Police Department for the Project Site from January 2016 to February 2019 indicates 13 calls for service, calls ranged from burglary to suspicious activities. Subject to the Applicant's compliance with required conditions of project approval, it is anticipated that approval of the requested CUP at the Project Site would not have the effect of increasing the incident reporting percentages for this reporting track. Additionally this would be a brand new project therefore eliminating existing "attractive nuisance" conditions of the site. Furthermore, approval of the requested CUP with the recommended conditions of approval, would allow for the abatement of any public nuisances associated with sale of alcohol at the Project Site, with potential CUP revocation by the City if public nuisances are not corrected in a timely manner. Thus, it is staff's assessment that this finding can be made.

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

As proposed, the off-site sale of beer and wine (Type 20 License), would augment the services they provide as an ancillary use to the proposed grocery store. There shall be no drinking of alcohol allowed on or along the premises. Failure to address public nuisances issues associated with sale, purchase, and/or consumption of alcoholic beverages would result in city abatement action, including but not limited to, possible revocation of the CUP for repeated noncompliance. While the grocery store is exempt from meeting distance requirements for the sale of off-site consumption of beer and wine, is not expected to have an impact on any residential use, church, hospital, educational institution, day care facility, park, or library within the surrounding area.

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

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

Pursuant to City Code Section 106-179(c)(1), grocery stores providing less than 10 percent of alcohol display and storage area are exempt from distance separation requirements that would otherwise apply to businesses seeking a CUP for either the on-site sale or off-sale of alcoholic beverages. Thus, it is staff's assessment that this finding can be made in this case.

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

The proposed project is located within Census Tract No. 3201 and has a published total population of 7144 residents as of the United States Census. There are a total of six on-sale and off-sale alcohol licenses within the census tract.

A review of the City and ABC records indicates that there are three existing off-sale alcohol outlets (one (1) off-sale alcohol outlet for every 2,381 residents) within Census Tract No. 3201. If the CUP for the project were to be granted, then there would be a total of four off-sale alcohol outlets (one (1) off-sale alcohol outlet for every 1,786 residents) within the Census Tract No. 3201. The population in Los Angeles County is 10,105,722, with ABC records showing that a total of 6,299 on-sale alcohol licenses active countywide. The ratio of on-sale licenses to population in Los Angeles County is one (1) license for every 1,604 residents. Since the ratio of off-sale licenses within Census Tract No. 3201 is lower than the ratio for Los Angeles County, then Census Tract No. 3201 does not have an undue concentration of on-sale licenses. Therefore, findings of public convenience and necessity are not required in this case. Therefore, it is City Planning Staff's determination that findings of public convenience and necessity, pursuant to City Code Section 106-180, are not required in this case.

BE IT FURTHER RESOLVED that based upon the foregoing, the Planning and Preservation Commission hereby approves Conditional Use Permit 2019-001 and Site Plan Review 2019-002, subject to the Conditions of Approval attached as Exhibit "A".

**(SIGNATURE PAGE TO FOLLOW)**

PASSED, APPROVED AND ADOPTED this 3rd day of April 2019.

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ALVIN DURHAM, CHAIRPERSON

ATTEST:

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TIMOTHY T. HOU, AICP, SECRETARY TO THE PLANNING  
AND PRESERVATION COMMISSION

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

I, Timothy T. Hou, Secretary to the Planning and Preservation Commission of the City of San Fernando, do hereby certify that the foregoing Resolution was duly adopted by the Planning and Preservation Commission and signed by the Chairperson of said City at a meeting held on the 3rd day of April 2019; and that the same was passed by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

TIMOTHY T. HOU, AICP, SECRETARY TO THE PLANNING  
AND PRESERVATION COMMISSION

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

**PROJECT NO.** : **Conditional Use Permit 2019-001**

**PROJECT ADDRESS** : 1203 North Maclay Avenue, San Fernando, CA 91340  
(Los Angeles County Assessor Identification No: 2513-020-040)

**PROJECT DESCRIPTION** : The project consists of a request for the approval of a Conditional Use Permit and Site Plan Review for the development of a 2,300 square foot 24 hour gasoline refueling service station in conjunction with a grocery store with limited sales of beer and wine and an ancillary 920 square foot automatic carwash within the Maclay District of the San Fernando Corridors Specific Plan (SP-5) Zone located at 1203 North Maclay Avenue.

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

- 1) Conditional Use Permit Entitlement. The Conditional Use Permit 2019-001 is granted for the land described in this application and any attachments thereto, as reviewed by the Planning and Preservation Commission on April 3, 2019, except as herein modified to comply with these Conditions of Approval.
- 2) Indemnification. The property owner, the project applicant and their respective successors and assigns, jointly and severally, shall indemnify, protect, hold harmless and defend the City and any agency or instrumentality thereof, and/or any of its officers, employees and agents from any and all claims, actions, or proceedings against the City to attack, set aside, void, annul, seek monetary damages resulting from an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board or legislative body including actions approved by the voter of the City, concerning the entitlement application. City shall promptly notify both the property owner and developer of any claim, action, or proceeding to which this condition is applicable and shall further cooperate fully in the defense of the action. The City reserves its right to take any and all action the City deems to be in the best interest of the City and its citizens in regard to such defense. The property owner and developer shall defend, indemnify and hold harmless the City for all costs and fees incurred in additional investigation or study of, or for supplementing, redrafting, revising, or amending, any document (such as an environmental impact report or related environmental assessment) if made necessary through the initiation of the project. The failure of property owner to comply with the requirements of this section shall constitute a breach of the conditions of approval and the City reserves the right right to rescind any and all entitlements granted under this Resolution in accordance with the applicable procedures provided under the San Fernando Municipal Code and applicable State law for the rescission of land use entitlements.
- 3) Incidental Use. The conditional use permit is granted for the “incidental” off-site sale of alcoholic beverages. The sale of alcoholic beverages shall be “incidental to the sale of other products” as defined in City Code Section 106-177 (Definitions). At the request of the Chief Planning Official satisfactory



proof shall be submitted to show that the sale of annual alcohol has remained incidental to sale of other products. The applicant shall comply with all requirements of the California Department of Alcoholic Beverage Control (ABC).

- 4) Licensing. The Planning and Preservation Commission's approval of this conditional use permit shall permit the applicant to apply for a "Type 20 License" (Off-Sale Beer & Wine) with ABC. A Type 20 License shall authorize the ancillary sale of alcoholic beverages, including beer and wine within a grocery store. The property owner, the project applicant and their respective successors and assigns shall be jointly and severally responsible for complying with the terms of the Type 20 License for Off-Sale Beer & Wine and all other conditions and restrictions which may be imposed by ABC for the maintenance of the license. The failure of the property owner and the project applicant to maintain such license either due to revocation by ABC or voluntary transfer shall constitute a breach of the conditions of approval and the City shall reserve the right to rescind all entitlements granted under this Resolution in such event in accordance with the applicable procedures provided under the San Fernando Municipal Code and applicable State law for the rescission of land use entitlements. Any proposed substitution of the Type 20 License with any other variety of ABC license shall require an amendment to these entitlements approved by the Planning & Preservation Commission.
- 5) Standard Conditions for On-Sale Alcohol Establishments. In addition to those conditions of approval which the Planning and Preservation Commission may otherwise impose, all on-sale conditional use permits for alcoholic beverage sales shall be subject to the following standard conditions, as required by City Code Section 106-182:
  - a. Alcoholic beverages shall not be permitted to be consumed in the parking area or other exterior areas of the premises;
  - b. The hours of operation, including deliveries to the proposed establishment, shall be reviewed and approved by the Planning and Preservation Commission as part of the CUP application in order to ensure compatibility with the surrounding area;
  - c. Loitering in the public right-of-way, parking area and in front of adjacent properties is prohibited. For purposes of this entitlement, loitering shall mean the act of an individual or group of individuals of remaining in a particular place within the vicinity of the business for a protracted time, without directly conducting any business activity and causing the disruption of peace and enjoyment of the public at the site;
  - d. The following signs shall be conspicuously posted onsite:
    - i. Exterior signs referencing Penal Code Section 602.1. Such signs shall be clearly visible from the establishment's parking area and shall include the police department's phone number.
    - ii. An interior sign in English and Spanish stating: "We ID everyone under 26 years of age for alcohol sales" with minimum dimensions of eight inches by 11 inches.
  - e. Exterior public telephones that permit incoming calls shall not be located on the premises;

- f. Electronic games, including video games, shall not be located on the premises;
  - g. Exterior lighting of the parking area shall provide adequate lighting for patrons while not producing glare or light spillover disturbing surrounding residential or commercial areas;
  - h. Unless otherwise approved by the Chief of Police, a security camera system approved by the police department shall be installed on the premises and shall be maintained in proper working order at all times. The security camera system shall be subject to inspection by the police department. The system must be capable of producing retrievable images on film or tape that can be made a permanent record and that can be enlarged through projection or other means. The video or digital recordings generated by the system shall be maintained for a period of 30 days;
  - i. The establishment shall implement preventive architectural design features as approved by the Chief of Police and the Chief Planning Official in order to maintain a secure site by controlling access to the facility, open sight lines, adequate lighting levels, ambient noise levels and circulation patterns;
  - j. Special security measures such as security guards, door monitors, and burglar alarms systems may be required as a condition of approval with final determination made by the Chief of Police and the Community Development Director on a case-by-case basis;
  - k. Litter and trash receptacles shall be located at convenient locations both inside and outside the establishment, and trash and debris shall be removed on a daily basis;
  - l. The exterior of the establishment, including all signs, accessory buildings and structures shall be maintained free of litter and graffiti at all times. All graffiti shall be removed from the premises within 24 hours of its discovery;
  - m. With regard to those conditional use permit applications that are approved based in part upon the fact that alcohol sales on the premises are incidental to the sale of other products, proof satisfactory to the chief planning official shall be annually submitted to show that the sale of alcohol has remained incidental to the sale of other products;
  - n. Within 30 days of approval of this conditional use permit, the applicant shall certify his or her acceptance of the conditions placed on the approval by signing a statement that he or she accepts and shall be bound by all of the conditions;
  - o. Violation of, or noncompliance with, any of the conditions of approval shall constitute grounds for revocation of this conditional use permit; and
  - p. Expansion or enlargement of the business premises over the life of the structure or the use shall be subject to review by the Community Development Department as part of the conditional use permit approval process.
- 6) Hours of Operation. The hours of operation shall be as follows:
- a. Gasoline Service Station and Grocery Store 24 Hours a day, 7 days a week
  - b. Sales of Beer and Wine 7:00 a.m. to 12:00 a.m. (Midnight), 7 days a week

- c. Carwash Hours 7:00 a.m. to 8:00 p.m., 7 days a week
- 7) Signage. Windows shall comply with the applicable City sign regulations as noted in the SP-5 Zone for similarly zoned property. Proposed signage and window tinting shall require prior City planning division review and approval before the issuance of sign permit and work initiated in order to ensure that clear and unobstructed view of the cash register and sales area from the parking lot and street is maintained unless otherwise provided for by the chief planning official.
- 8) Surveillance. A security camera system approved by the City of San Fernando Police Department shall be installed on the premises and shall be maintained in proper working order at all times. The security camera system shall be subject to inspection by the police department. The system must be capable of producing retrievable images on film or tape that can be enlarged through projection or other means. The video or digital recordings generated by the system shall be maintained for a period of 30 days. Special security measures such as security guards, door monitors, and burglar alarms systems may be required as a condition of approval with final determination made by the Chief of Police and the Chief Planning Official on a case-by-case basis. In addition, the establishment shall implement preventive architectural design features as approved by the Chief of Police and the Chief Planning Official in order to maintain a secure site by controlling access to the facility, open sight lines, adequate lighting levels, ambient noise levels and circulation patterns.
- 9) Revocation. Violation of, or noncompliance with, any of these conditions of approval shall constitute grounds for revocation this conditional use permit, as provided below:
- a. Upon the issuance of three zoning violation citations, unless successfully appealed;
  - b. Upon the revocation of the alcoholic license by ABC;
  - c. Upon any two disciplinary actions by ABC in the form of a fine or suspension of the alcoholic license, during the term of the CUP; or
  - d. Where conditions and activities on and/or adjacent to an off-sale or on-sale outlet, as defined herein, interfere with the quiet enjoyment of life and property in the neighborhood, or are or tend to be, injurious to health and safety of persons in the neighborhood. These include, but are not limited to the following:
    - i. Excessive noise, noxious smells or fumes, loitering, littering, curfew violations, disturbing the peace, illegal drug activity, public drunkenness, drinking in public, public urination, public vandalism, graffiti, lewd conduct, gambling, harassment of passersby, prostitution, sale of stolen merchandise, illegal parking, traffic violations, theft, assaults, batteries;
    - ii. Illegal sale, manufacture, storing, possession, distribution of alcoholic beverages; or,
    - iii. Police detention, citation, and/or arrests for these or any other unlawful activity attributed to the sale and/or consumption of alcoholic beverages declared by the city to be a public nuisance.

This conditional use permit may also be revoked as provided in City Code Sections 106-148 and

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



- 10) Business License. A City of San Fernando Business License shall be maintained active at all times.
- 11) Trash Enclosure. All trash bins shall be kept free of trash overflow and maintained in a clean manner at all times. Litter and trash receptacles shall be located at convenient locations both inside and outside the establishment, and trash and debris shall be removed on a daily basis.
- 12) Property Maintenance. The project site at and its immediate surrounding area shall be maintained in a clean, neat and orderly manner at all times and shall comply with the property maintenance standards as set forth in the San Fernando City Code.
- 13) Graffiti Removal. Unless otherwise specified in the conditions of approval, the property owner(s), operator and all successors shall comply with the graffiti removal and deterrence requirements of the San Fernando City Code.
- 14) Site Inspections. The community development department shall inspect the site to assure compliance with these conditions of approval. The restaurant operator and all successors shall grant the right of access to authorized agents of the City of San Fernando to conduct periodic inspections of the property.
- 15) General Compliance. The applicant shall comply with all requirements of applicable Federal, State, or local law, ordinance, or regulation.
- 16) Modifications. Unless the Chief Planning Official deems a proposed change to the approved plans and operation a minor modification, any and all other modifications to the development plan, including these conditions of approval, shall require review and approval by the Planning and Preservation Commission. Expansion or enlargement of the business premises over the life of the structure or the use shall be subject to the CUP modification approval process.
- 17) Acceptance. Within thirty (30) days of approval of Conditional Use Permit 2019-001, the operator or their duly authorized representatives shall certify the acceptance of the conditions of approval by signing a statement using an acceptance affidavit form provided by the City of San Fernando Community Development Department that acknowledges acceptance of and commitment to adhere to all of the conditions of approval.
- 18) Recordation. The applicant shall provide the Community Development Department with proof that these Conditions of Approval included as Exhibit "A" of Planning and Preservation Commission Resolution 2019-006 has been recorded with the Los Angeles Registrar Recorder/County Clerk's Office.

- 19) Public Review of Conditions of Approval. A copy of these conditions of approval shall be retained on-site at all times during the hours of operation of the business and shall be made available for viewing upon public request or upon request by any city official and representative of ABC. Employees of the business shall not prohibit a request of the public to view the conditions of approval for this entitlement.
  
- 20) Expiration. Conditional Use Permit 2018-005 shall become null and void unless exercised by initiating substantive action to implement the operation permitted by this entitlement within twelve (12) months of final approval; or until such additional time as may be granted by the Community Development Department upon receipt of a request for an extension received prior to such expiration date. Additional time in increments of six (6) months at a time may be granted, at the discretion of the Community Development Department Director. Subsequent failure to obtain and exercise an active business occupancy permit shall also cause expiration of the conditional use permit.





**CONDITIONAL USE PERMIT APPLICATION**

PROJECT INFORMATION			
SITE ADDRESS(ES) 1203 N Maclay Avenue			
ASSESSORS PARCEL NUMBER(S) "APN" 2513-020-040			
LOT SIZE 18,000 s.f. (150' x 120')		EXISTING BUILDING (SQUARE FOOTAGE) Smog Inspection Station 1,125 s.f.	
PROPOSED ADDITION (SQUARE FOOTAGE) grocery store (2,300 s.f.); carwash 920 s.f. canopy		TOTAL PARKING SPACES (ON-SITE/OFF-SITE) 12	
PROPOSED USE(S) gasoline station; carwash; grocery store with beer		LANDSCAPING (SQUARE FOOTAGE) 2,123 s.f.	
PROJECT DESCRIPTION/TYPE OF CONDITIONAL USE PERMIT REQUEST <i>Include any additional information on separate sheet and attach to the back of this application</i> Establishment of a 24 hour automotive gasoline station in conjunction with a grocery store with limited sales of beer and wine and incidental automatic carwash.			
APPLICANT INFORMATION			
APPLICANT NAME Michael Pauls (Michael Pauls Associates)		PHONE NUMBER C: (714) 381-0881	
MAILING ADDRESS 6475 E Pacific Coast Hwy #135, Long Beach CA 90803			
FAX NUMBER	EMAIL ADDRESS michael@michaelpaulsassociate	SIGNATURE 	
PROPERTY OWNER INFORMATION			
PROPERTY OWNER NAME ARMEN TOUROSIAN		PHONE NUMBER 818 305-1249	
MAILING ADDRESS 8783 SAN FERNANDO PL. SUN VALLEY, CA. 91352			
FAX NUMBER 818 768-5576	EMAIL ADDRESS central8783@yahoo.com	SIGNATURE 	
FOR OFFICE USE ONLY			
CUP APPLICATION \$ 3,891.20	ZONE SP-5 (Medium)	GENERAL PLAN AREA	FILE NUMBER
AIMS SURCHARGE \$ 389.12	DATE FILED 3/7/19		CUP NO. 2019-001
ENVIRONMENTAL \$ 204.00	ACCEPTED BY GUM		AIMS NO.
NOTIFICATION \$ 120.00			
PUBLISHING \$ 600.00			
TOTAL FEE \$5,204.32			
COMMENTS		CROSS REFERENCE	
		SPR NO. 2019-002	
		VAR NO.	
		OTHER	



**ENVIRONMENTAL INFORMATION FORM (APPLICANT)**

**GENERAL INFORMATION**

1. NAME AND ADDRESS OF DEVELOPER OR PROJECT SPONSOR

Nidal Azzi

2. ADDRESS OF PROJECT

1203 N Maclay Avenue

3. ASSESSOR'S BLOCK AND LOT NUMBER

2513-020-040

4. NAME, ADDRESS, AND TELEPHONE NUMBER OF PERSON TO BE CONTACTED CONCERNING THIS PROJECT

Michael Pauls

5. LIST AND DESCRIBE ANY OTHER RELATED PERMITS AND OTHER PUBLIC APPROVALS REQUIRED FOR THIS PROJECT, INCLUDING THOSE REQUIRED BY CITY, REGIONAL, AND FEDERAL AGENCIES

6. EXISTING ZONING DISTRICT

Maclay District; SP-5 Corridor Specific Plan

PROPOSED USE OF SITE (PROJECT FOR WHICH THIS FORM IS FILLED)  
New 24-hour automotive gasoline station in conjunction with a grocery store with limited sales of beer and wine for off site consumption and an incidental automatic carwash.

**PROJECT DESCRIPTION**

8. SITE SIZE

18,000 (150' x 120')

9. SQUARE FOOTAGE

carwash: 920 s.f.; grocery store 2,300 s.f.; gas station canopy: 3,025 s.f.

10. NUMBER OF FLOORS OF CONSTRUCTION

one

11. AMOUNT OF OFF-STREET PARKING PROVIDED

12 parking spaces

12. PROPOSED SCHEDULING

June 2019

13. ASSOCIATED PROJECTS

n/a

14. ANTICIPATED INCREMENTAL DEVELOPMENT

n/a

15. IF RESIDENTIAL, INDICATE THE NUMBER OF UNITS, SCHEDULE OF UNIT SIZES, RANGE OF SALE PRICES OR RENTS, AND TYPE OF HOUSEHOLD SIZE EXPECTED

16. IF COMMERCIAL, INDICATE THE TYPE, WHETHER NEIGHBORHOOD, CITY OR REGIONALLY ORIENTED, SQUARE FOOTAGE OF SALES AREA, AND LOADING FACILITIES  
grocery store: 2,300 s.f.

17a IF INDUSTRIAL, INDICATE TYPE, ESTIMATED EMPLOYMENT PER SHIFT, AND LOADING FACILITIES



**PROJECT DESCRIPTION (CONTINUED)**

18. IF INSTITUTIONAL, INDICATE THE MAJOR FUNCTION, ESTIMATED EMPLOYMENT PER SHIFT, ESTIMATED OCCUPANCY, LOADING FACILITIES, AND COMMUNITY BENEFITS TO BE DERIVED FROM THE PROJECTS

19. IF THE PROJECT INVOLVES A VARIANCE, CONDITIONAL USE OR REZONING APPLICATION, STATE THIS AND INDICATE CLEARLY WHY THE APPLICATION IS REQUIRED

Conditional Use to allow for a 24 hour gasoline service station with grocery store & ancillary carwash.

**ENVIRONMENTAL SETTING** Please attach a brief description of the property involved (#19) and the surrounding area (#20). This can be very short and simple, a paragraph for each item.

20. ON A SEPARATE PAGE, DESCRIBE THE PROJECT SITE AS IT EXISTS BEFORE THE PROJECT, INCLUDING INFORMATION ON TOPOGRAPHY, SOIL STABILITY, PLANTS AND ANIMALS, AND ANY CULTURAL, HISTORICAL OR SCENIC ASPECTS. DESCRIBE ANY EXISTING STRUCTURES ON THE SITE, AND THE USE OF THE STRUCTURES. ATTACH PHOTOGRAPHS OF THE SITE.

21. ON A SEPARATE PAGE, DESCRIBE THE SURROUNDING PROPERTIES, INCLUDING INFORMATION ON PLANTS AND ANIMALS AND ANY CULTURAL, HISTORICAL OR SCENIC ASPECTS. INDICATE THE TYPE OF LAND USE (RESIDENTIAL, COMMERCIAL, ETC.), INTENSITY OF LAND USE, AND SCALE OF DEVELOPMENT (HEIGHT, FRONTAGE, SET-BACK, REAR YARD, ETC.). ATTACH PHOTOGRAPHS OF THE VICINITY.

**ENVIRONMENTAL IMPACT** Are the following items applicable to the project or its effects? Discuss all items below checked "yes" (attach additional sheets as necessary).

22. CHANGE IN EXISTING FEATURES OF ANY BAYS, TIDELANDS, BEACHES, OR HILLS, OR SUBSTANTIAL ALTERATION OF GROUND CONTOURS?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
23. CHANGE IN SCENIC VIEWS OR VISTAS FROM EXISTING RESIDENTIAL AREA OR PUBLIC LANDS OR ROADS?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
24. CHANGE IN PATTERN, SCALE OR CHARACTER OF GENERAL AREA OF THE PROJECT?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
25. SIGNIFICANT AMOUNTS OF SOLID WASTE OR LITTER?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
26. CHANGE IN DUST, ASH, SMOKE, FUMES, OR ODORS IN VICINITY?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
27. CHANGE IN OCEAN, BAY, LAKE, STREAM, OR GROUND WATER QUALITY OR QUANTITY, OR ALTERATION OF EXISTING DRAINAGE PATTERNS?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
28. SUBSTANTIAL CHANGE IN EXISTING NOISE OR VIBRATION LEVELS IN THE VICINITY?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
29. SITE ON FILLED LAND OR SLOPE OF 10 PERCENT OR MORE?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
30. USE OF DISPOSAL OF POTENTIALLY HAZARDOUS MATERIALS SUCH AS TOXIC SUBSTANCES, FLAMMABLES OR EXPLOSIVES?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
31. SUBSTANTIAL CHANGE IN DEMAND FOR MUNICIPAL SERVICES (POLICE, FIRE, WATER, SEWAGE, ETC.)?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
32. SUBSTANTIAL INCREASE IN FOSSIL FUEL CONSUMPTION (ELECTRICITY, OIL, NATURAL GAS, ETC.)?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
33. RELATIONSHIP TO LARGER PROJECT OR SERIES OF PROJECTS?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO

**CERTIFICATION** I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

APPLICANT NAME <b>MICHAEL PAULS</b>	APPLICANT SIGNATURE 	DATE <b>3-5-19</b>
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# SITE PLAN REVIEW/ PLANNING REVIEW APPLICATION

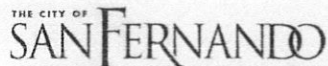
APPLICANT INFORMATION		
APPLICANT NAME Michael Pauls		PHONE NUMBER (562) 434-2835; c:(714)381-0881
MAILING ADDRESS 6475 E Pacific Coast Hwy #135, Long Beach CA 90803		
EMAIL ADDRESS michael@michaelpaulsassociates.com		FAX NUMBER (714) 381-0881
PROJECT INFORMATION		
SITE ADDRESS 1203 MaClay Street		
REQUEST (WHAT IS BEING APPLIED FOR) Proposed new development of the site which involves an automobile gasoline service station with incidental automatic carwash. The project also includes the sale of beer and wine for off-site consumption in conjunction with a food store.		
ASSESSORS PARCEL NUMBER(S) "APN" APN# 2513-020-040		
BUILDING SIZE food store: 2,268 s.f.; automatic carwash: 920 s.f.; canopy: 3,025 s.f.		
BUILDING ADDITION (IF ANY) new		
PARKING AVAILABLE (NUMBER) 12 spaces		
LANDSCAPING PROVIDED (IN SQUARE FEET) 2,123 s.f.		
PROPERTY OWNER INFORMATION		
PROPERTY OWNER NAME Infinity Investments, LLC & Armen Tourosian		PHONE NUMBER (818) 305-1249
MAILING ADDRESS 370 Pioneer Dr Apt 104, Glendale, CA 91203		
EMAIL ADDRESS		FAX NUMBER
SIGNATURES		
APPLICANT SIGNATURE 	PROPERTY OWNER SIGNATURE 	DocuSigned by: V. Asatourian 570B69C1A78647C...
FOR OFFICE USE ONLY		
DATE FILED 1/23/19	ACCEPTED BY GM	
CASE NO. SPR 2019-002	ZONING SP-5 (Maclay)	GPA





# SITE PLAN REVIEW/ PLANNING REVIEW APPLICATION

ENVIRONMENTAL INFORMATION FORM (APPLICANT)	
<b>GENERAL INFORMATION</b>	
1. NAME AND ADDRESS OF DEVELOPER OR PROJECT SPONSOR Nidal Azzi	
2. ADDRESS OF PROJECT 1203 N MaClay Street	ASSESSOR'S BLOCK AND LOT NUMBER 2513-020-040
3. NAME, ADDRESS, AND TELEPHONE NUMBER OF PERSON TO BE CONTACTED CONCERNING THIS PROJECT Michael Pauls, 6475 E Pacific Coast Hwy #135, Long Beach CA 90803. (562) 434-2835	
4. LIST AND DESCRIBE ANY OTHER RELATED PERMITS AND OTHER PUBLIC APPROVALS REQUIRED FOR THIS PROJECT, INCLUDING THOSE REQUIRED BY CITY, REGIONAL, AND FEDERAL AGENCIES	
5. EXISTING ZONING DISTRICT MaClay District, SP-5 Corridor Specific Plan	
6. PROPOSED USE OF SITE (PROJECT FOR WHICH THIS FORM IS FILLED) New automobile gasoline service station and incidental automatic carwash. The project also includes the sale of beer and wine for off-site consumption in conjunction with a new food store.	
<b>PROJECT DESCRIPTION</b>	
7. SITE SIZE 18,000 s.f. (150' x 120')	
8. SQUARE FOOTAGE carwash: 920 s.f. canopy: 3,025 s.f. food store: 2,268 s.f.	
9. NUMBER OF FLOORS OF CONSTRUCTION one	
10. AMOUNT OF OFF-STREET PARKING PROVIDED 12 parking spaces	
11. PROPOSED SCHEDULING June 2019	
12. ASSOCIATED PROJECTS n/a	
13. ANTICIPATED INCREMENTAL DEVELOPMENT n/a	
14. IF RESIDENTIAL, INDICATE THE NUMBER OF UNITS, SCHEDULE OF UNIT SIZES, RANGE OF SALE PRICES OR RENTS, AND TYPE OF HOUSEHOLD SIZE EXPECTED n/a	
15. IF COMMERCIAL, INDICATE THE TYPE, WHETHER NEIGHBORHOOD, CITY OR REGIONALLY ORIENTED, SQUARE FOOTAGE OF SALES AREA, AND LOADING FACILITIES Food store: 2,268 s.f.	
16. IF INDUSTRIAL, INDICATE TYPE, ESTIMATED EMPLOYMENT PER SHIFT, AND LOADING FACILITIES n/a	
17. IF INSTITUTIONAL, INDICATE THE MAJOR FUNCTION, ESTIMATED EMPLOYMENT PER SHIFT, ESTIMATED OCCUPANCY, LOADING FACILITIES, AND COMMUNITY BENEFITS TO BE DERIVED FROM THE PROJECTS n/a	



# SITE PLAN REVIEW/ PLANNING REVIEW APPLICATION

## PROPOSED DEVELOPMENT REVIEW CHECKLIST (CONTINUED)

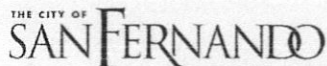
Does the project propose to enclose a porch or staircase?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Does the project propose a new and/or additional deck, patio cover, or trellis?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Is the project proposed on a vacant parcel of land?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Is an accessory dwelling unit proposed?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Does the project propose new residential, commercial, industrial, or institutional buildings?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Is any proposed accessory structure greater than 400 square feet?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Does the project propose an additional residential unit in an existing residential development?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Does the project propose a primary residential building that will be larger than the average of structures in the immediate vicinity in the same zone?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Is <u>any</u> change in use proposed (i.e.: residential to commercial, single-family to multi-family, etc)?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Will the proposal expand or intensify a current land use?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Does the proposal include a façade improvement that would compromise or significantly alter the original character of the structure?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Does the project propose an addition greater than 50% of the existing square footage of the structure?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Will the proposal increase vehicular traffic resulting in a change of traffic volume or patterns in the area, parking, noise, lighting, etc.?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Does the proposal include <u>any</u> addition in square footage to a commercial, industrial, or institutional building?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

## SITE PLAN SUBMITTAL REQUIREMENTS – CONTENT OF THE SITE PLAN

The site plan shall indicate clearly and will full dimensions the following information:

- (1) Lot dimensions, setbacks, yards, and open space.
- (2) Existing and proposed buildings and structures, including location, size, height, number of stories, proposed use, and location of doors.
- (3) Distance between proposed structure and any off-site structure located within 10 feet of the property line on adjacent lots.
- (4) Walls, fences, and landscaping: location, height, and materials.
- (5) Off-street parking: location, dimensions of parking area, number of spaces, arrangement of spaces, and internal circulation pattern.
- (6) Access: pedestrian, vehicular, service; and definitions of all points of ingress and egress.
- (7) North arrow, scale, and site address.
- (8) Loading areas: location, dimensions, number of spaces, internal circulation, and access from public streets.
- (9) Lighting: including general nature, location, and hooding devices.
- (10) Existing and proposed off-site improvements: including location of utility poles, fire hydrant, street lights, street trees, parkway landscape, and water meter.
- (11) Landscaping: including existing mature trees and proposed trees and plant materials.
- (12) Outdoor storage and activities if permitted in the zone: including type, location, and height of screening devices.
- (13) Drainage and grading plan.
- (14) Such other data as may be required to assist the planning director to act on the plan.





# SITE PLAN REVIEW/ PLANNING REVIEW APPLICATION

## PROJECT DESCRIPTION (CONTINUED)

18. IF THE PROJECT INVOLVES A VARIANCE, CONDITIONAL USE OR REZONING APPLICATION, STATE THIS AND INDICATE CLEARLY WHY THE APPLICATION IS REQUIRED  
**Conditional Use request to (1) allow for a 24 hour gasoline service station with ancillary automatic carwash; (2) allow for the sale of beer and wine in conjunction with a food**

**ENVIRONMENTAL SETTING** Please attach a brief description of the property involved (#19) and the surrounding area (#20). This can be very short and simple, a paragraph for each item.

19. ON A SEPARATE PAGE, DESCRIBE THE PROJECT SITE AS IT EXISTS BEFORE THE PROJECT, INCLUDING INFORMATION ON TOPOGRAPHY, SOIL STABILITY, PLANTS AND ANIMALS, AND ANY CULTURAL, HISTORICAL OR SCENIC ASPECTS. DESCRIBE ANY EXISTING STRUCTURES ON THE SITE, AND THE USE OF THE STRUCTURES. ATTACH PHOTOGRAPHS OF THE SITE.

20. ON A SEPARATE PAGE, DESCRIBE THE SURROUNDING PROPERTIES, INCLUDING INFORMATION ON PLANTS AND ANIMALS AND ANY CULTURAL, HISTORICAL OR SCENIC ASPECTS. INDICATE THE TYPE OF LAND USE (RESIDENTIAL, COMMERCIAL, ETC.), INTENSITY OF LAND USE, AND SCALE OF DEVELOPMENT (HEIGHT, FRONTAGE, SET-BACK, REAR YARD, ETC.). ATTACH PHOTOGRAPHS OF THE VICINITY.

**ENVIRONMENTAL IMPACT** Are the following items applicable to the project or its effects? Discuss all items below checked "yes" (attach additional sheets as necessary).

21. CHANGE IN EXISTING FEATURES OF ANY BAYS, TIDELANDS, BEACHES, OR HILLS, OR SUBSTANTIAL ALTERATION OF GROUND CONTOURS?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
22. CHANGE IN SCENIC VIEWS OR VISTAS FROM EXISTING RESIDENTIAL AREA OR PUBLIC LANDS OR ROADS?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
23. CHANGE IN PATTERN, SCALE OR CHARACTER OF GENERAL AREA OF THE PROJECT?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
24. SIGNIFICANT AMOUNTS OF SOLID WASTE OR LITTER?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
25. CHANGE IN DUST, ASH, SMOKE, FUMES, OR ODORS IN VICINITY?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
26. CHANGE IN OCEAN, BAY, LAKE, STREAM, OR GROUND WATER QUALITY OR QUANTITY, OR ALTERATION OF EXISTING DRAINAGE PATTERNS?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
27. SUBSTANTIAL CHANGE IN EXISTING NOISE OR VIBRATION LEVELS IN THE VICINITY?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
28. SITE ON FILLED LAND OR SLOPE OF 10 PERCENT OR MORE?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
29. USE OF DISPOSAL OF POTENTIALLY HAZARDOUS MATERIALS SUCH AS TOXIC SUBSTANCES, FLAMMABLES OR EXPLOSIVES?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
30. SUBSTANTIAL CHANGE IN DEMAND FOR MUNICIPAL SERVICES (POLICE, FIRE, WATER, SEWAGE, ETC.)?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
31. SUBSTANTIAL INCREASE IN FOSSIL FUEL CONSUMPTION (ELECTRICITY, OIL, NATURAL GAS, ETC.)?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
32. RELATIONSHIP TO LARGER PROJECT OR SERIES OF PROJECTS?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO

**CERTIFICATION** I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

APPLICANT NAME Michael Pauls	APPLICANT SIGNATURE 	DATE 1-14-19
---------------------------------	-------------------------	-----------------



## PROJECT DATA

PRESENT USE  
SMOG INSPECTION STATION

PROPOSED USE  
GAS STATION, GROCERY STORE AND CARWASH

CENSUS TRACT  
3201.00

LEGAL DESCRIPTION  
TRACT # 5481 SW 20 FT OF LOT 110 AND ALL OF LOTS 111 AND LOT 112

ASSESSORS PARCEL NO.  
2513-020-040

ZONING  
SP-5 CORRIDORS SPECIFIC PLAN

GENERAL PLAN  
COMMERCIAL/INDUSTRIAL

<u>TYPE OF CONSTRUCTION</u>	
GROCERY STORE	V-B
CANOPY	II-B
CARWASH	V-B

<u>OCCUPANCY CLASS</u>	
GROCERY STORE	M
CANOPY	M
CARWASH	B

FIRE SPRINKLERS  
NO

NUMBER OF STORIES  
ONE

HEIGHT	
GROCERY STORE	24'
CANOPY	20'
CARWASH	17'

LOT COVERAGE:  
GROCERY STORE, CANOPY AND CARWASH

LOT AREA (GROSS):	18,000 SF	0.41	ACRES
PAVED AREA:	9,396 SF	52.2%	OF SITE
ARCHITECTURAL PROJECTION:	236 SF	1.3%	OF SITE
BUILDING AREA:	6,245 SF	34.7%	OF SITE
LANDSCAPED AREA:	2,123 SF	11.8%	OF SITE

PARKING ANALYSIS				
BUILDING	AREA	RATIO	REQ'D	PROVIDED
GROCERY STORE	2,300 SF	3.3/1000	7.7≈8	4 IN PARKING LOT
CANOPY	3,025 SF	1/1 PUMP ISLAND	4	8 FUELING POSITIONS
CARWSH	920 SF			
TOTAL	6,245		12	12

# ATTACHMENT "C"

## PROPOSE NEW GROCERY STORE, GAS STATION AND CARWASH

ADDRESS:  
1203 N MACLAY AVENUE, SAN FERNANDO, CALIFORNIA 91340



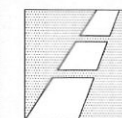
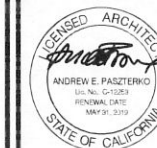
1 VICINITY MAP (PAGE 482 - GRID C5)  
NOT TO SCALE

## DRAWING INDEX

T-1	TITLE SHEET
AS-1E	EXISTING SITE PLAN
AS-1	PROPOSED SITE PLAN
A-101	GROCERY STORE FLOOR PLAN
A-102	GROCERY STORE ROOF PLAN
A-103	GROCERY STORE ELEVATIONS
A-103C	GROCERY STORE ELEVATIONS COLORED
A-201	CARWASH FLOOR PLAN & ROOF PLAN
A-202	CARWASH ELEVATIONS
A-301	CANOPY FLOOR PLAN
A-302	CANOPY ELEVATIONS
A-401	MATERIAL SAMPLE BOARD

PROJECT TITLE:  
NEW GAS STATION, GROCERY STORE  
AND CARWASH

ADDRESS: 1203 N MACLAY AVENUE, SAN FERNANDO, CA 91340



Gasoline  
Retail  
Facilities  
Consulting

SHEET CONTENTS:  
TITLE SHEET

Date:	03.20.201
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Date:	03.20.201
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Scale:	AS SHOWN
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Drawn:	SZ
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Job No.	4198
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DATE LOG-REVISION

REV	DATE	DESCR
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Sheet TC

of 15-

11



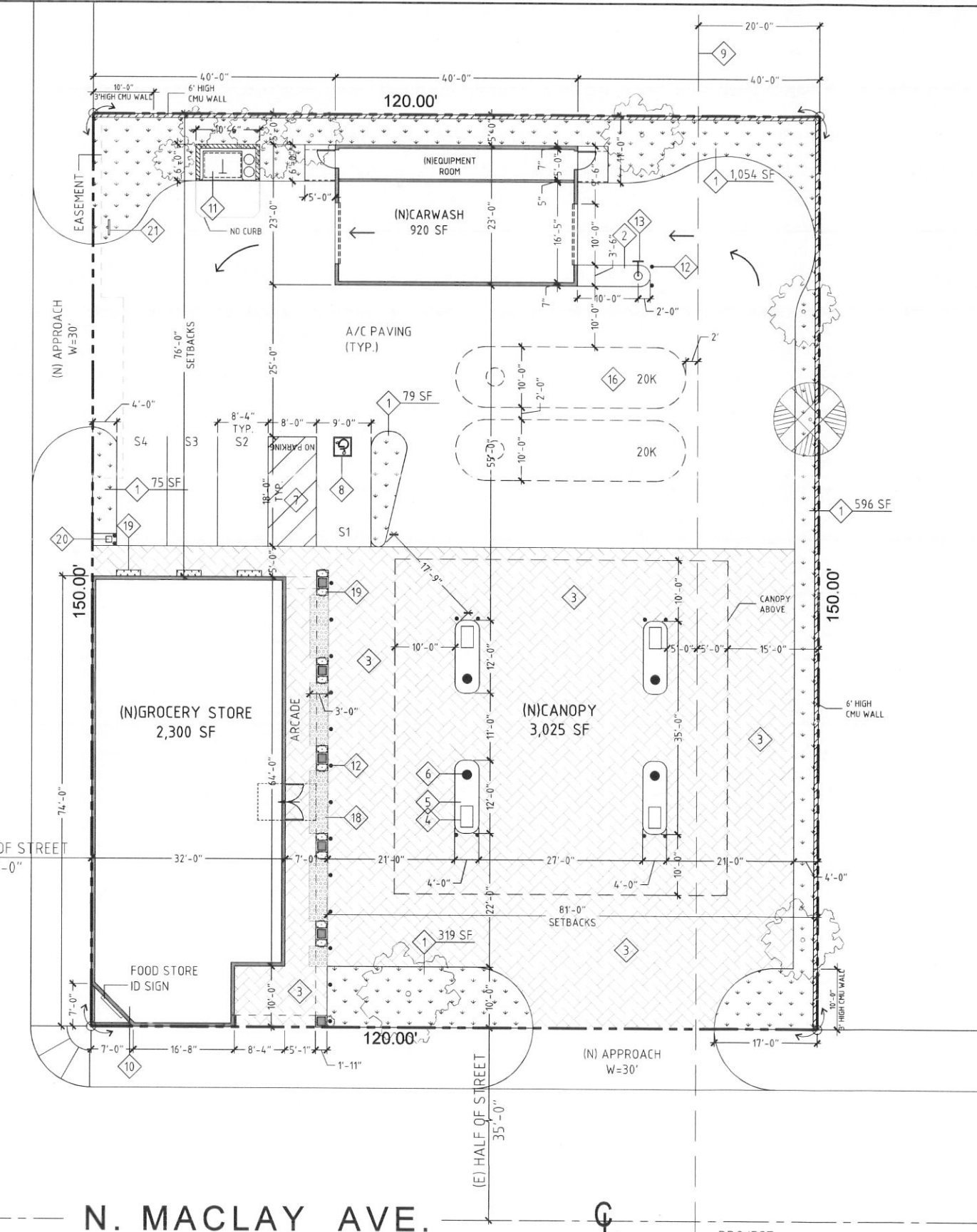


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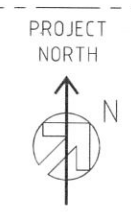
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N. MACLAY AVE.

CL



1 PROPOSED SITE PLAN  
SCALE: 1"=10'



LEGEND

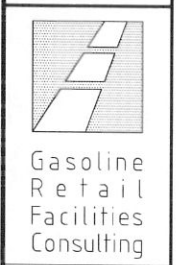
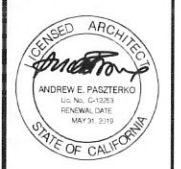
- 1 LANDSCAPE
- 2 CONCRETE PAD
- 3 DECORATIVE BRICK PAVING
- 4 DISPENSER (TYP. OF 4)
- 5 DISPENSER ISLAND (TYP. OF 4)
- 6 CANOPY COLUMN (TYP. OF 4)
- 7 HANDICAP LOADING ZONE
- 8 HANDICAP PARKING SIGN
- 9 CITY BOUNDARY
- 10 WALL SIGN (UNDER SEPARATE PERMIT)
- 11 TRASH ENCLOSURE
- 12 BUMPER POST (TYP.)
- 13 CARWASH PAYMENT KIOSK
- 14 WALL LIGHT (TYP. OF 5)
- 15 LANDSCAPE LIGHT (TYP. OF 2)
- 16 UNDERGROUND STORAGE TANK (TYP. OF 2)
- 17 CANOPY LIGHT (TYP.)
- 18 DISCERNIBLE WARNING (TYP.)
- 19 PLANTER WELL (TYP.)
- 20 AIR/WATER UNIT
- 21 LEFT TURN ONLY SIGN



21 LEFT TURN ONLY SIGN

PROJECT TITLE:  
NEW GAS STATION, GROCERY STORE  
AND CARWASH

ADDRESS: 1203 N MACLAY AVENUE, SAN FERNANDO, CA 91340

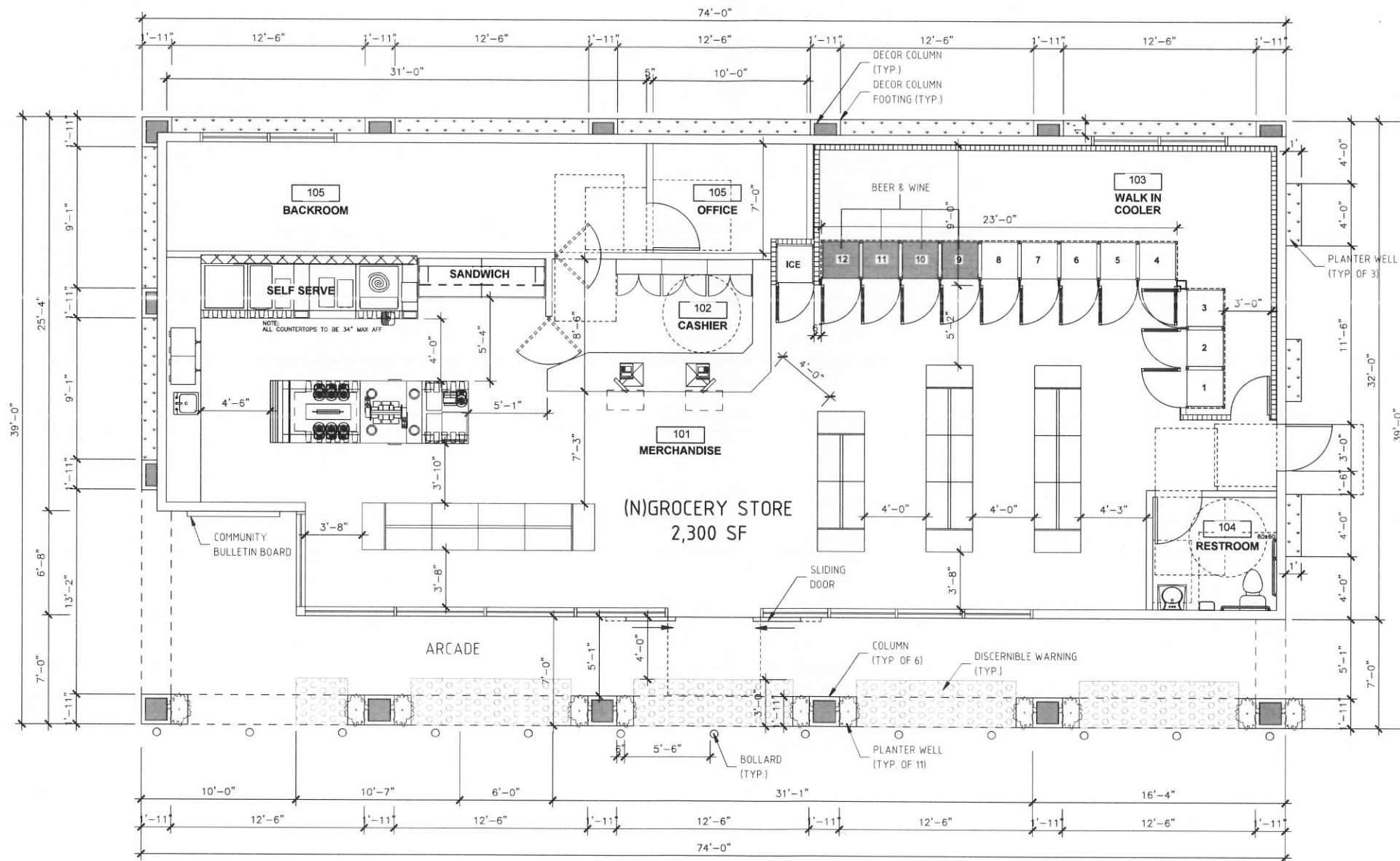


SHEET CONTENTS:  
PROPOSED  
SITE PLAN

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Scale:	AS SHOWN
Drawn:	SZ
Job No.	4198
DATE LOG-REVISIONS	
REV	DATE DESCRIPTION
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Sheet AS-1	
of	sheets

DOCUMENT PREPARED BY:  
GASOLINE RETAIL FACILITIES CONSULTING  
ATTN: ANDREW PASZTERKO - ARCHITECT  
CALIFORNIA LIC # C-12253  
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ph: 323.665.0844, fax: 323.661.0723  
and@gasretail.com

OWNER:  
ATTN: NIDAL AZZI  
PH: 805.279.8099  
EMAIL: nidalazzi@yahoo.com



SALES OF BEER AND WINE  
PERMITTED: 230 SF OR 10%  
PROPOSED: 22 SF (4 COOLER DOORS) OR 0.95%

1 GROCERY STORE FLOOR PLAN  
SCALE: 1/4" = 1'-0"

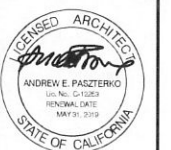


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NEW GAS STATION, GROCERY STORE  
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ADDRESS: 1203 N MACLAY AVENUE, SAN FERNANDO, CA 91340



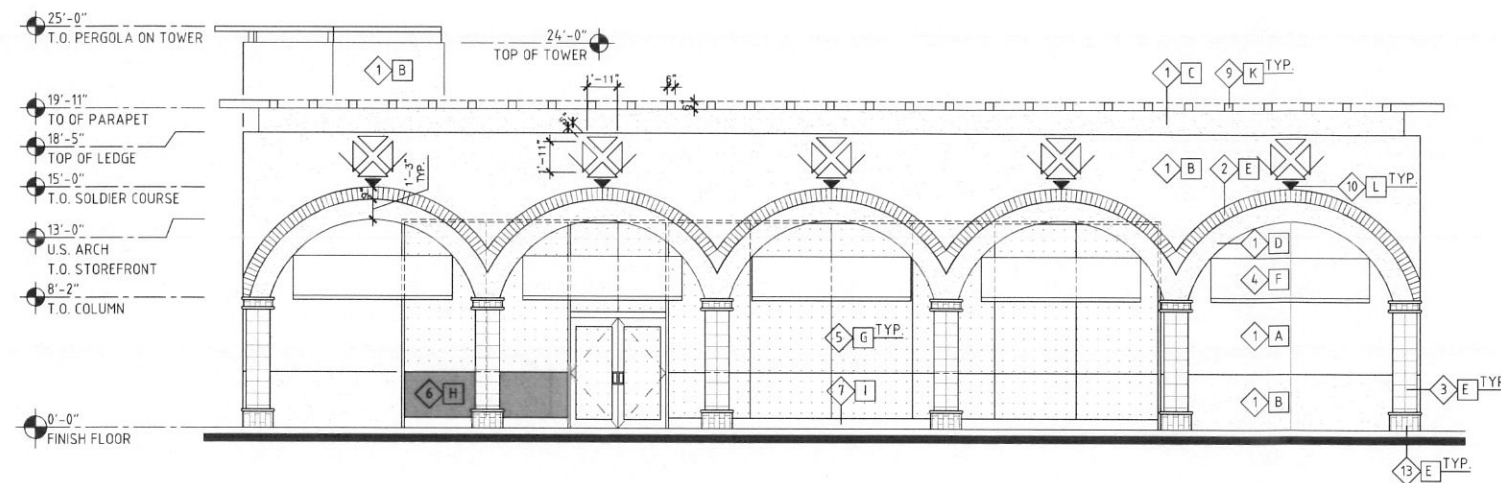
**Gasoline  
Retail  
Facilities  
Consulting**

SHEET CONTENTS:  
GROCERY STORE  
FLOOR PLAN

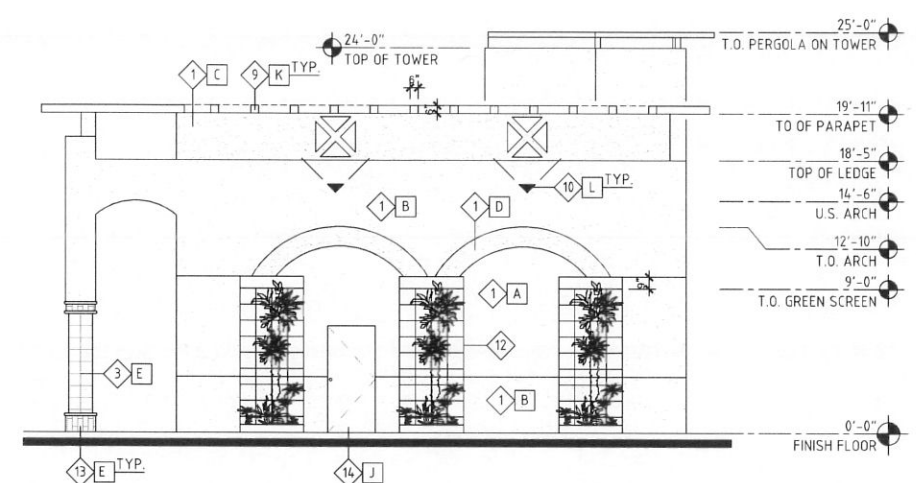
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Job No: 4198

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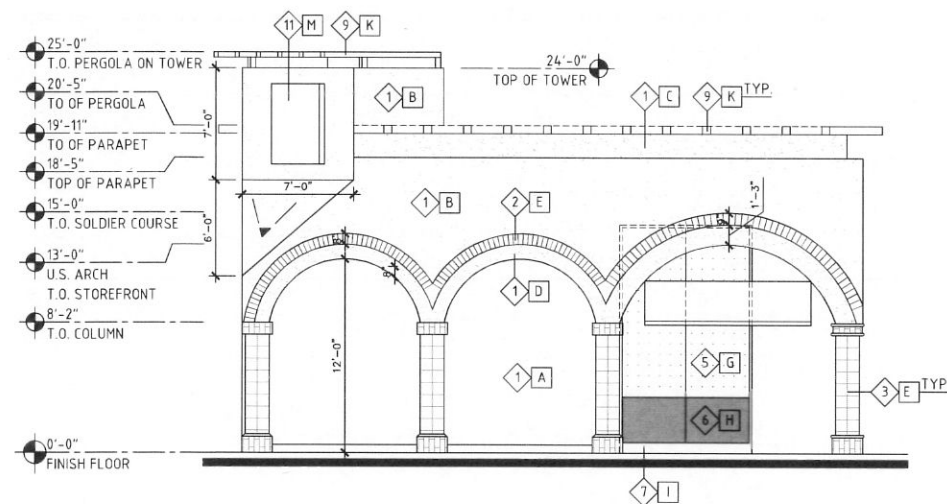
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sheets



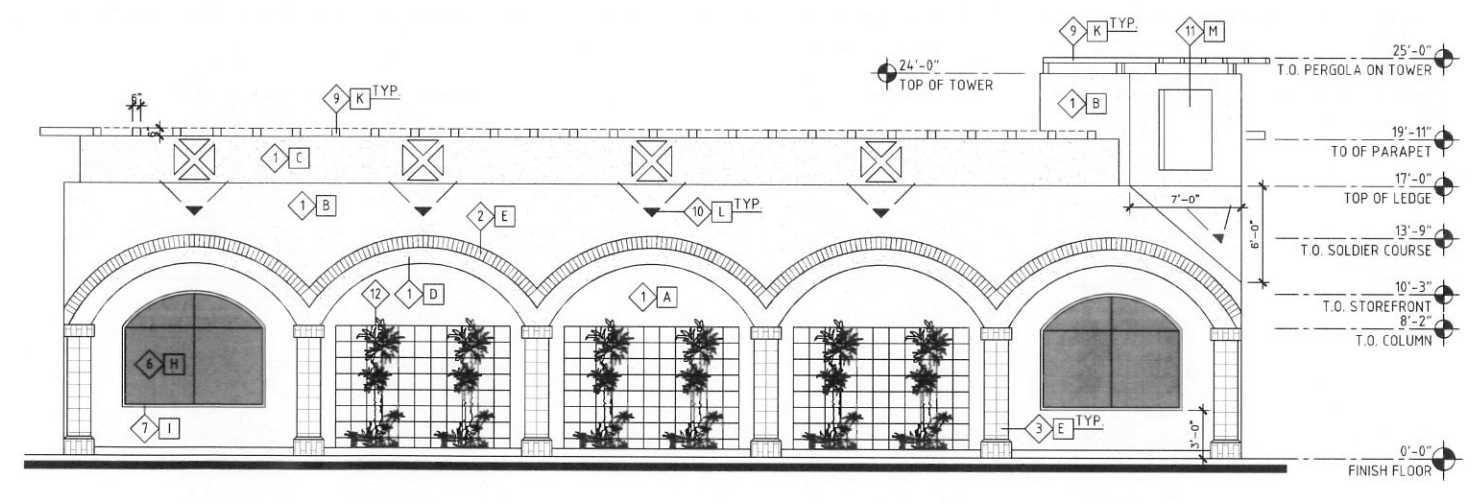
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2 NORTH ELEVATION  
SCALE: 3/16" = 1'-0"



3 SOUTH ELEVATION  
SCALE: 3/16" = 1'-0"



4 WEST ELEVATION  
SCALE: 3/16" = 1'-0"

## GROCERY STORE ELEVATIONS

### LEGEND

MARK	MATERIALS	MARK	MATERIALS
1	STUCCO	8	CONTROL JOINT
2	SOLDIER COURSE BRICK	9	WOOD PERGOLA
3	TILE	10	WALL WASHER LIGHT
4	AWNING	11	SIGN
5	GLAZING	12	GREEN SCREEN
6	SPANDREL GLASS	13	BRICK VENEER
7	ALUM STOREFRONT	14	DOOR

### LEGEND

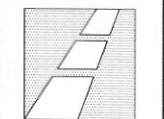
MARK	COLORS	MARK	COLORS
A	LIGHT BEIGE	H	GREY
B	MEDIUM BEIGE	I	CLEAR ANODIZED ALUMINUM
C	DARK BROWN	J	PAINT TO MATCH
D	WHITE	K	NATURAL BROWN
E	TERRA COTTA	L	WARM WHITE
F	YELLOW	M	PER FRANCHISE TRADE DRESS
G	CLEAR		

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and@gasretail.com

OWNER:  
ATTN: NIDAL AZZI  
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EMAIL: nidalazzi@yahoo.com

PROJECT TITLE:  
NEW GAS STATION, GROCERY STORE  
AND CARWASH

ADDRESS: 1203 N MACLAY AVENUE, SAN FERNANDO, CA 91340



Gasoline  
Retail  
Facilities  
Consulting

SHEET CONTENTS:  
GROCERY STORE  
ELEVATIONS

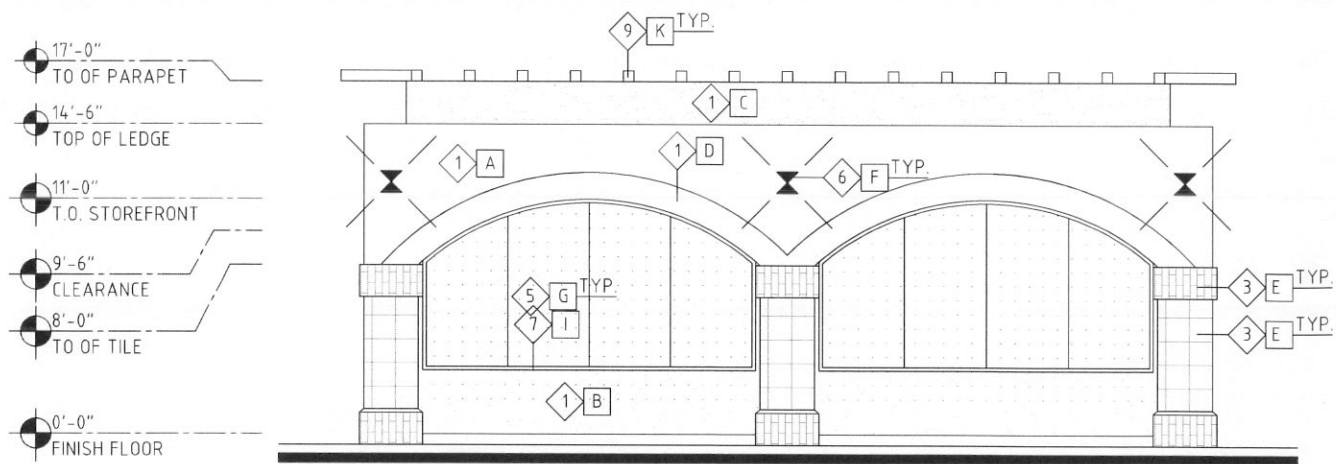
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Job No: 4198

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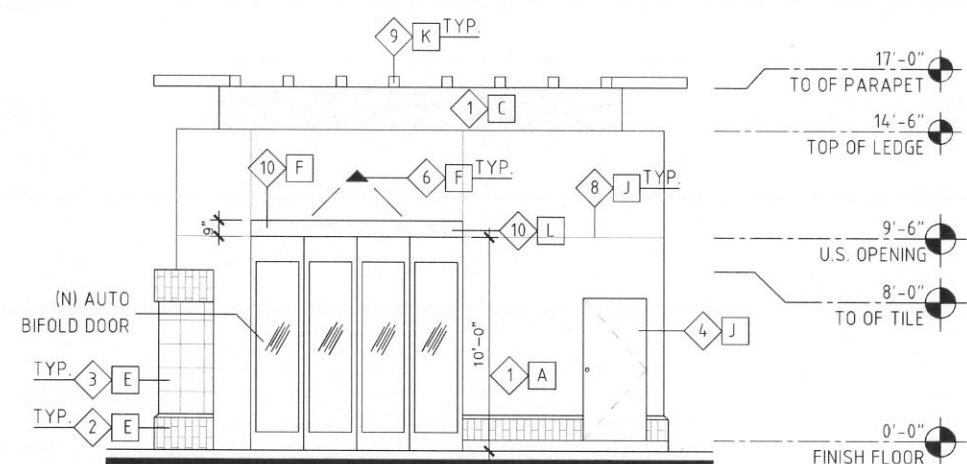
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of

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sheets

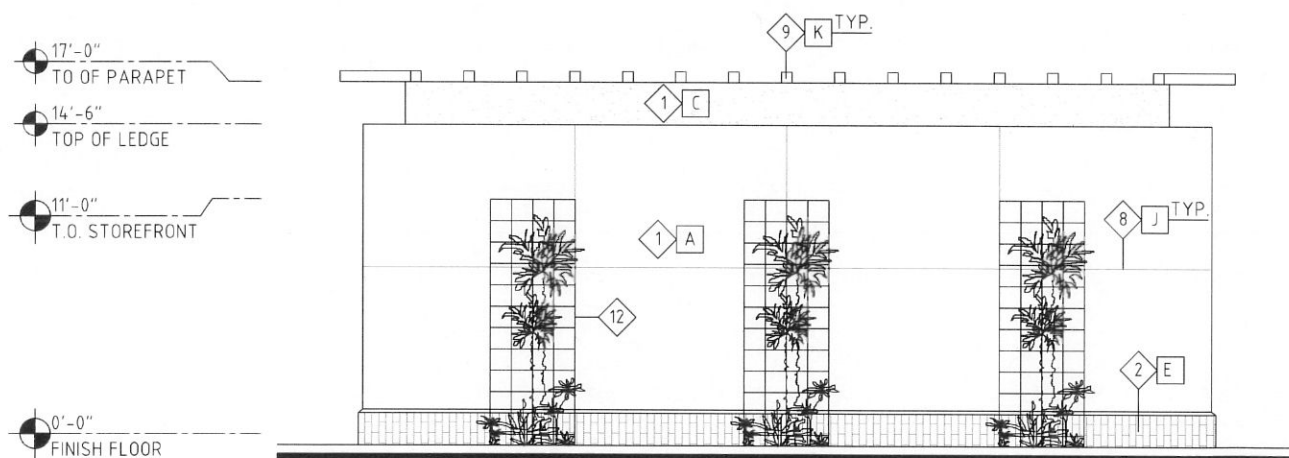




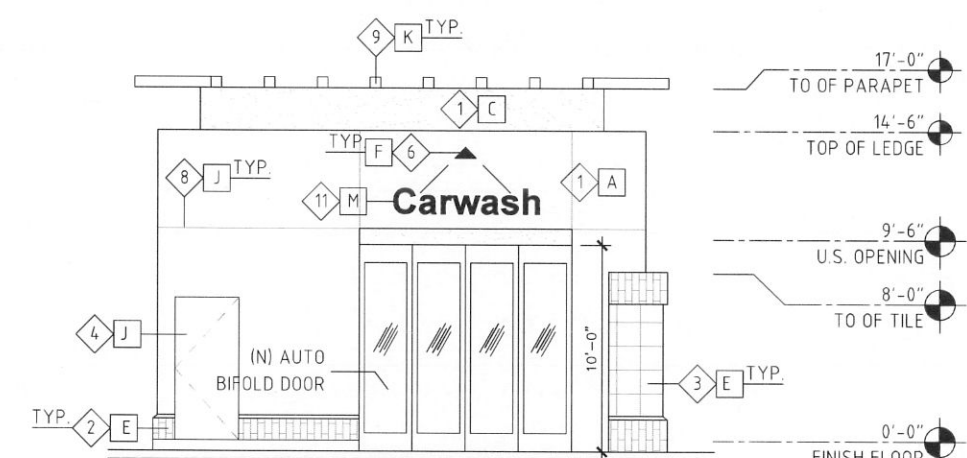
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2 EAST ELEVATION  
SCALE: 1/4" = 1'-0"



3 NORTH ELEVATION  
SCALE: 1/4" = 1'-0"



4 WEST ELEVATION  
SCALE: 3/16" = 1'-0"

## CARWASH ELEVATIONS

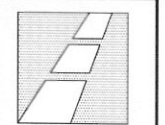
LEGEND				LEGEND			
MARK	MATERIALS	MARK	MATERIALS	MARK	COLORS	MARK	COLORS
1	STUCCO	8	CONTROL JOINT	A	LIGHT BEIGE	H	OMIT
2	BRICK VENEER	9	WOOD PERGOLA	B	MEDIUM BEIGE	I	CLEAR ANODIZED ALUMINUM
3	TILE	10	ACM	C	DARK BROWN	J	PAINT TO MATCH
4	DOOR	11	SIGN	D	LIGHT GREY	K	NATURAL BROWN
5	GLAZING	12	GREEN SCREEN	E	TERRA COTTA	L	BLUE
6	WALL WASHER LIGHT			F	WHITE	M	PER FRANCHISE TRADE DRESS
7	ALUM STOREFRONT			G	CLEAR		

DOCUMENT PREPARED BY:  
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EMAIL: nidalazzi@yahoo.com

PROJECT TITLE:  
NEW GAS STATION, GROCERY STORE  
AND CARWASH

ADDRESS: 1203 N MACLAY AVENUE, SAN FERNANDO, CA 91340



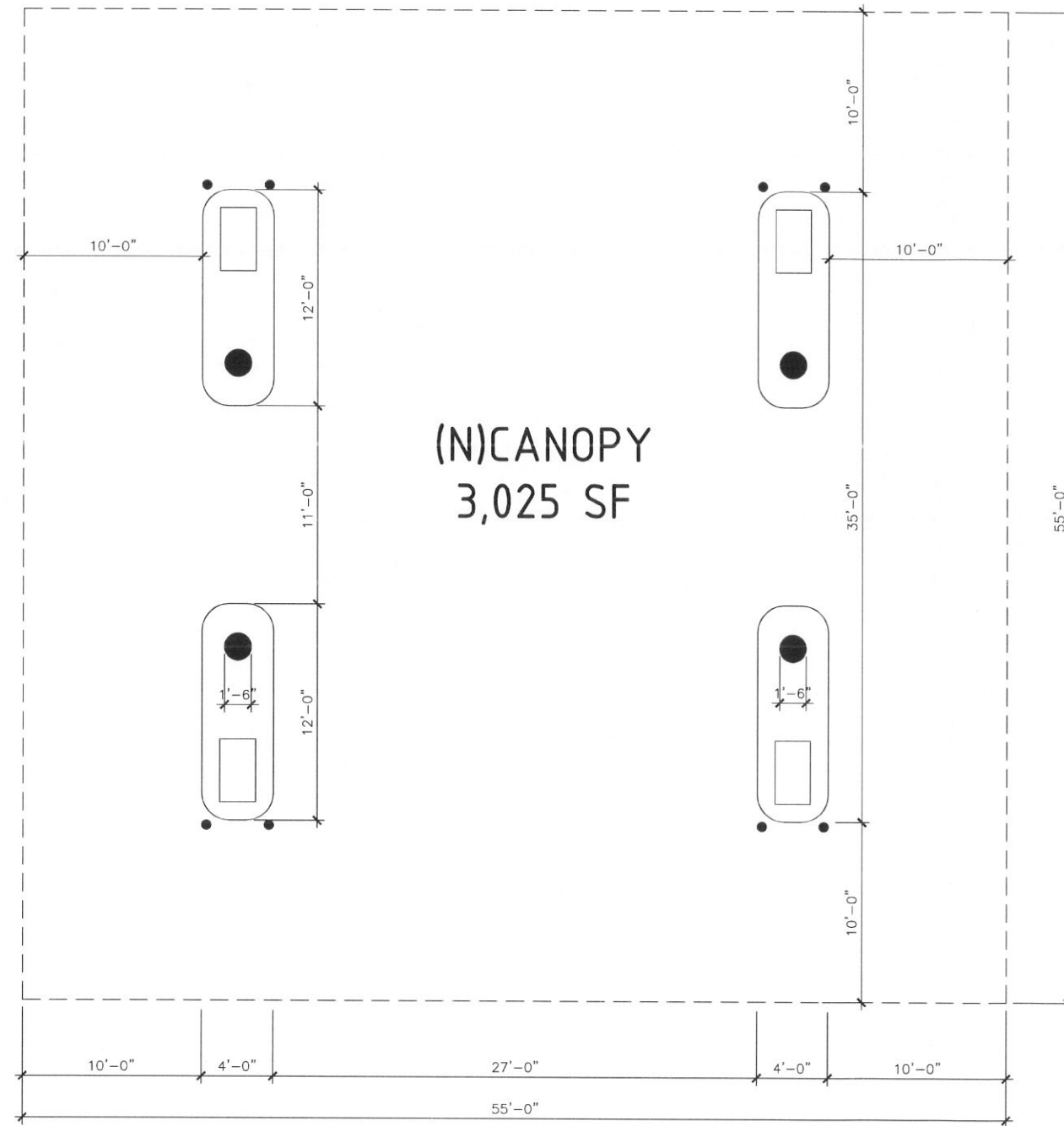
Gasoline  
Retail  
Facilities  
Consulting

SHEET CONTENTS:  
CARWASH  
ELEVATIONS

Date: 03/20/2019  
Scale: AS SHOWN  
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Job No: 4198

DATE LOG-REVISIONS  
REV DATE DESCRIPTION  
1 03/20/2019  
2 03/20/2019

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of sheets



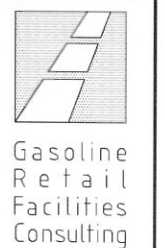
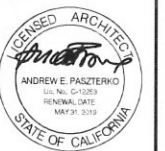
1 CANOPY FLOOR PLAN  
SCALE: 1/4" = 1'-0"

CANOPY FLOOR PLAN

DOCUMENT PREPARED BY:  
GASOLINE RETAIL FACILITIES CONSULTING  
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ph: 323.665.0844, fax: 323.661.0723  
andy@gazretail.com

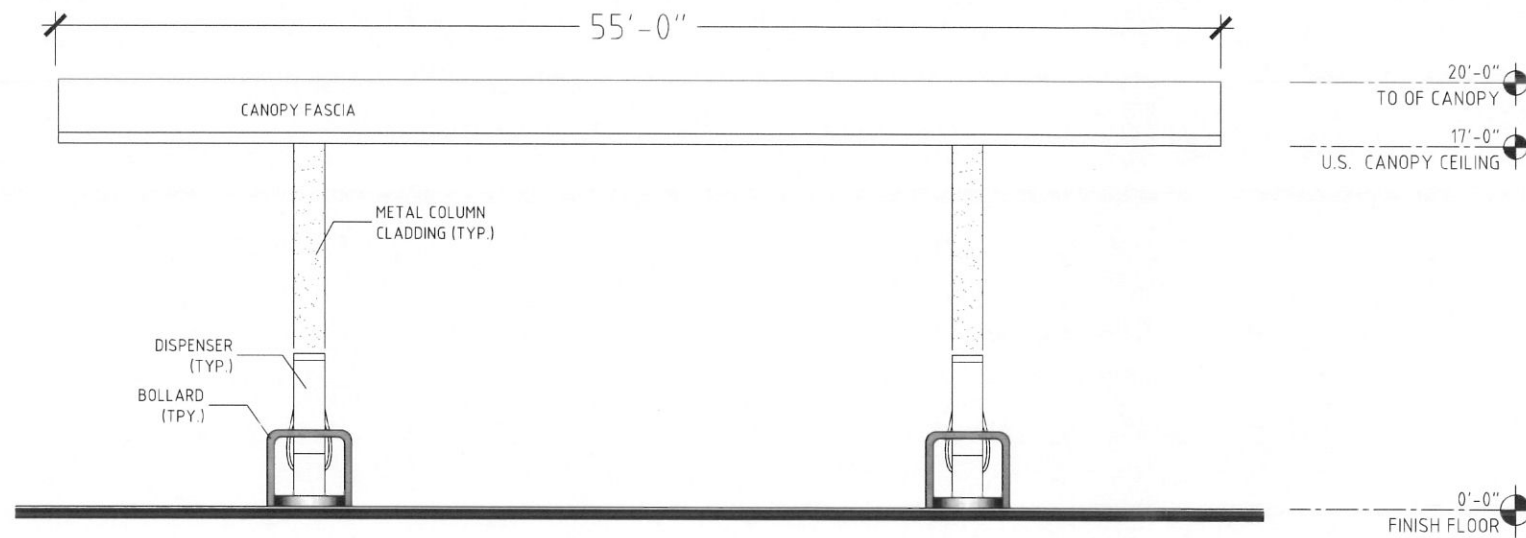
OWNER:  
ATTN: NIDAL AZZI  
PH: 805.279.8099  
EMAIL: nidalazzi@yahoo.com

PROJECT TITLE:  
NEW GAS STATION, GROCERY STORE  
AND CARWASH  
ADDRESS: 1203 N MACLAY AVENUE, SAN FERNANDO, CA 91340

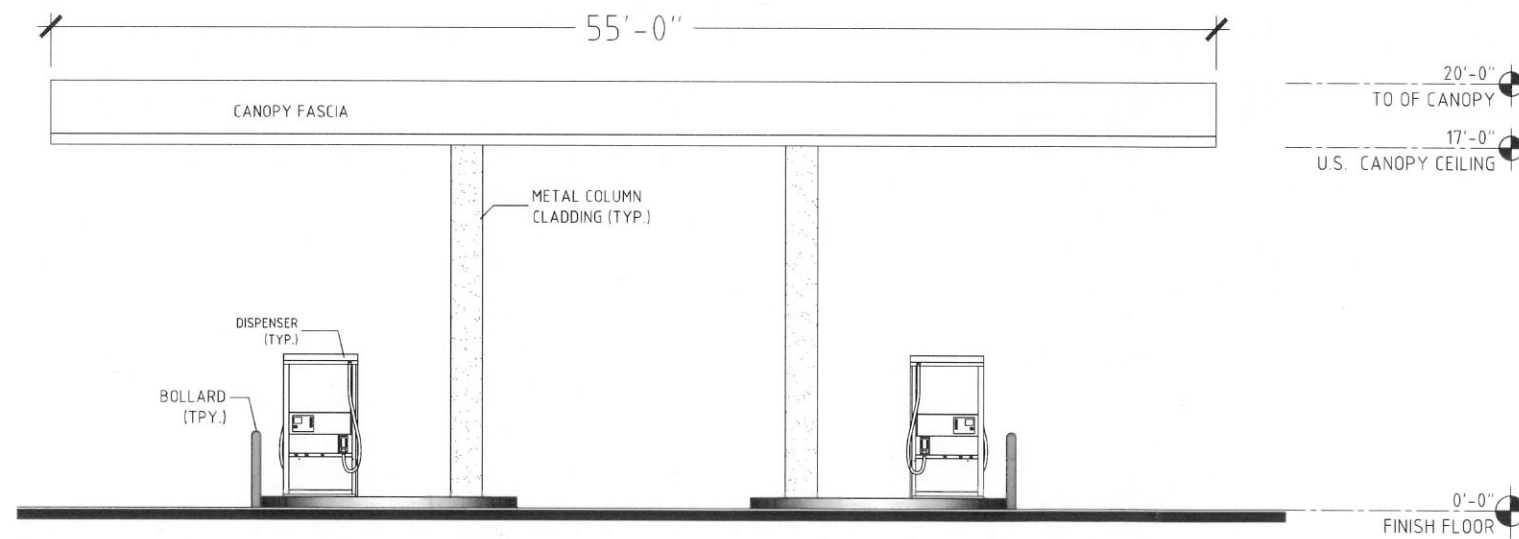


SHEET CONTENTS:  
CANOPY  
FLOOR PLAN

Date:	03.20.2019
Scale:	AS SHOWN
Drawn:	SZ
Job No.	4198
DATE LOG-REVISIONS	
REV	DATE DESCRIPTION
Sheet A-301	
of	sheets



1 SOUTH ELEVATION  
SCALE: 1/4" = 1'-0"



2 EAST ELEVATION  
SCALE: 1/4" = 1'-0"

# CANOPY ELEVATIONS

DOCUMENT PREPARED BY:  
GASOLINE RETAIL FACILITIES CONSULTING  
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2055 NORTH ALVARADO STREET,  
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ph: 323.665.0844; fax: 323.661.0723  
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PROJECT TITLE:  
NEW GAS STATION, GROCERY STORE  
AND CARWASH

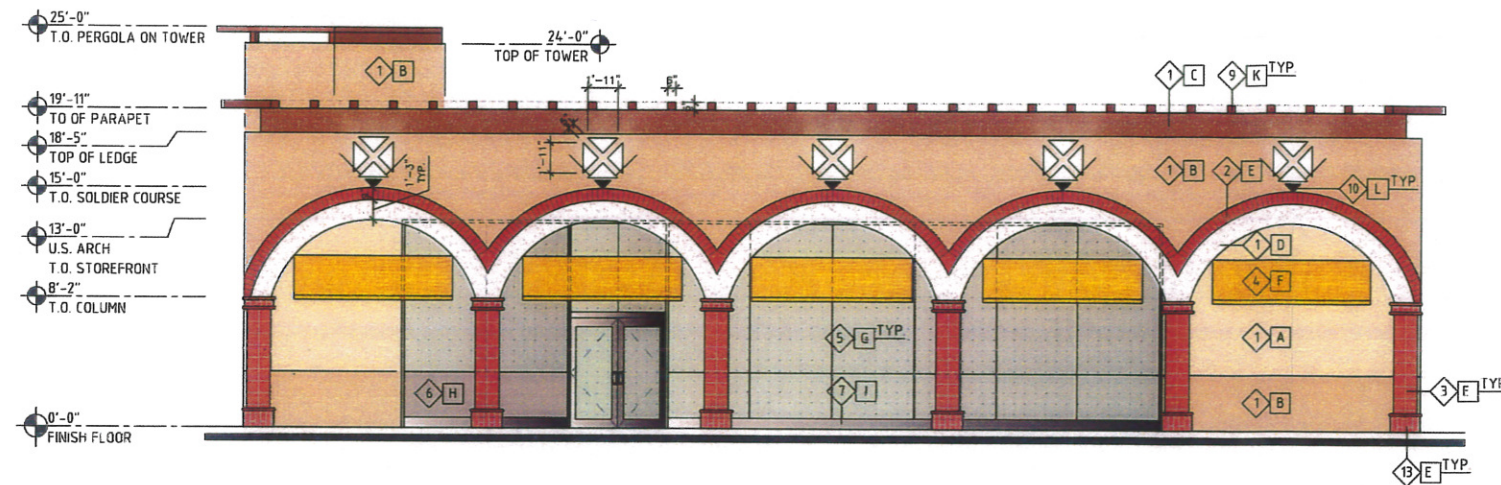
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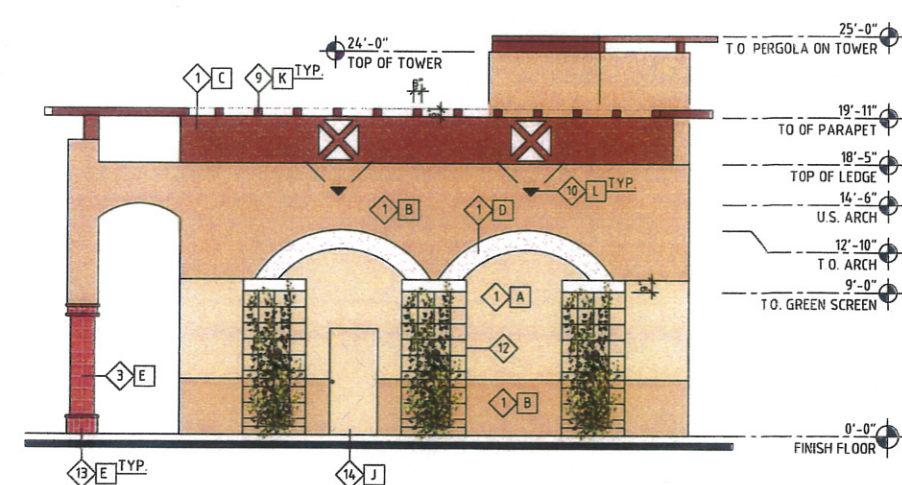
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CANOPY  
ELEVATIONS

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2	
3	
Sheet	A-302
of	sheets

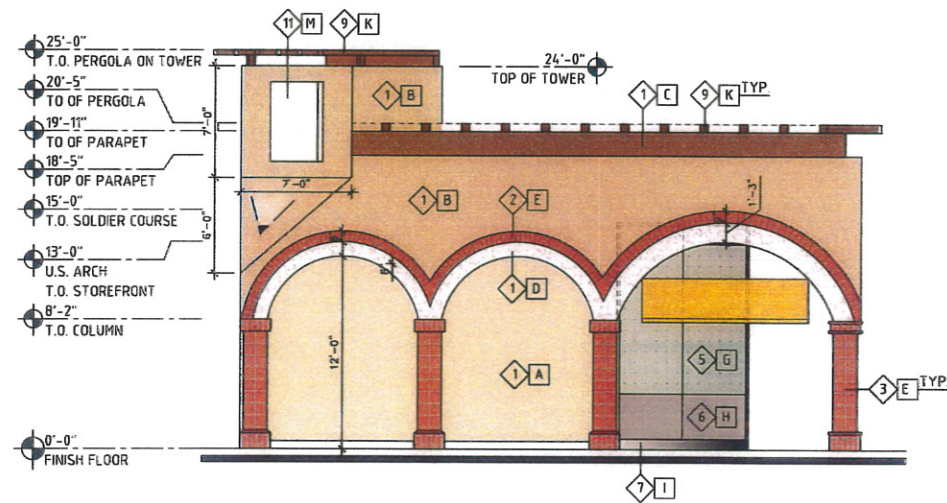




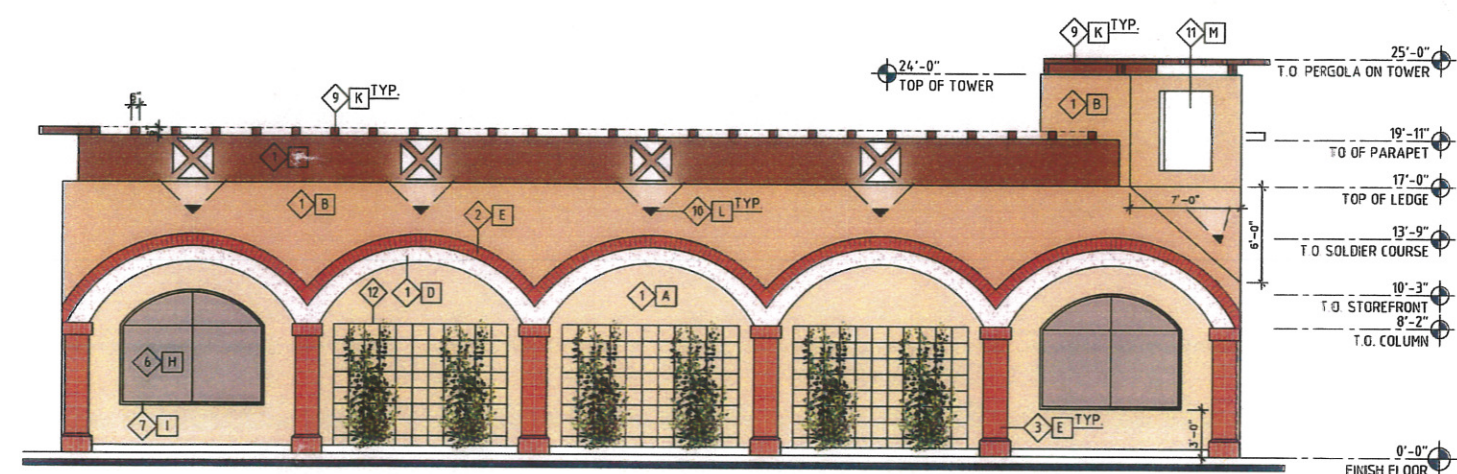
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SCALE: 3/16" = 1'-0"



2 NORTH ELEVATION  
SCALE: 3/16" = 1'-0"



3 SOUTH ELEVATION  
SCALE: 3/16" = 1'-0"



4 WEST ELEVATION  
SCALE: 3/16" = 1'-0"

## GROCERY STORE ELEVATIONS

### LEGEND

MARK	MATERIALS	MARK	MATERIALS
1	STUCCO	8	CONTROL JOINT
2	SOLDIER COURSE BRICK	9	WOOD PERGOLA
3	TILE	10	WALL WASHER LIGHT
4	AWNING	11	SIGN
5	GLAZING	12	GREEN SCREEN
6	SPANDREL GLASS	13	BRICK VENEER
7	ALUM STOREFRONT	14	DOOR

### LEGEND

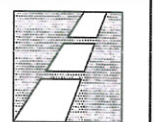
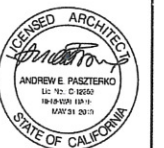
MARK	COLORS	MARK	COLORS
A	LIGHT BEIGE	H	GREY
B	MEDIUM BEIGE	I	CLEAR ANODIZED ALUMINUM
C	DARK BROWN	J	PAINT TO MATCH
D	WHITE	K	NATURAL BROWN
E	TERRA COTTA	L	WARM WHITE
F	YELLOW	M	PER FRANCHISE TRADE DRESS
G	CLEAR		

DOCUMENT PREPARED BY:  
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PROJECT TITLE:  
NEW GAS STATION, GROCERY STORE  
AND CARWASH

ADDRESS: 1203 N MACLAY AVENUE, SAN FERNANDO, CA 91340



Gasoline  
Retail  
Facilities  
Consulting

SHEET CONTENTS:  
GROCERY STORE  
ELEVATIONS

Date:	03.01.2019
Scale:	AS SHOWN
Drawn:	SZ
Job No.:	4198
DATE LOG-REVISIONS	
REV. DATE DESCRIPTION	
1 03.01.2019	
2 03.01.2019	
3 03.01.2019	
Sheet	A-103C
of	3 sheets









**NOTICE OF A  
PUBLIC HEARING**

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

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

**DATE:** April 3, 2019

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

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

**PROJECT LOCATION:** 1203 North Maclay, San Fernando, CA  
(Los Angeles County Assessor Identification No: 2513-020-040)

**APPLICATION:** Conditional Use Permit 2019-001 and SPR 2019-002

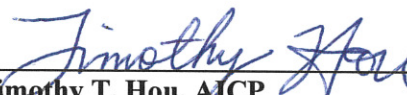
**PROJECT DESCRIPTION:**

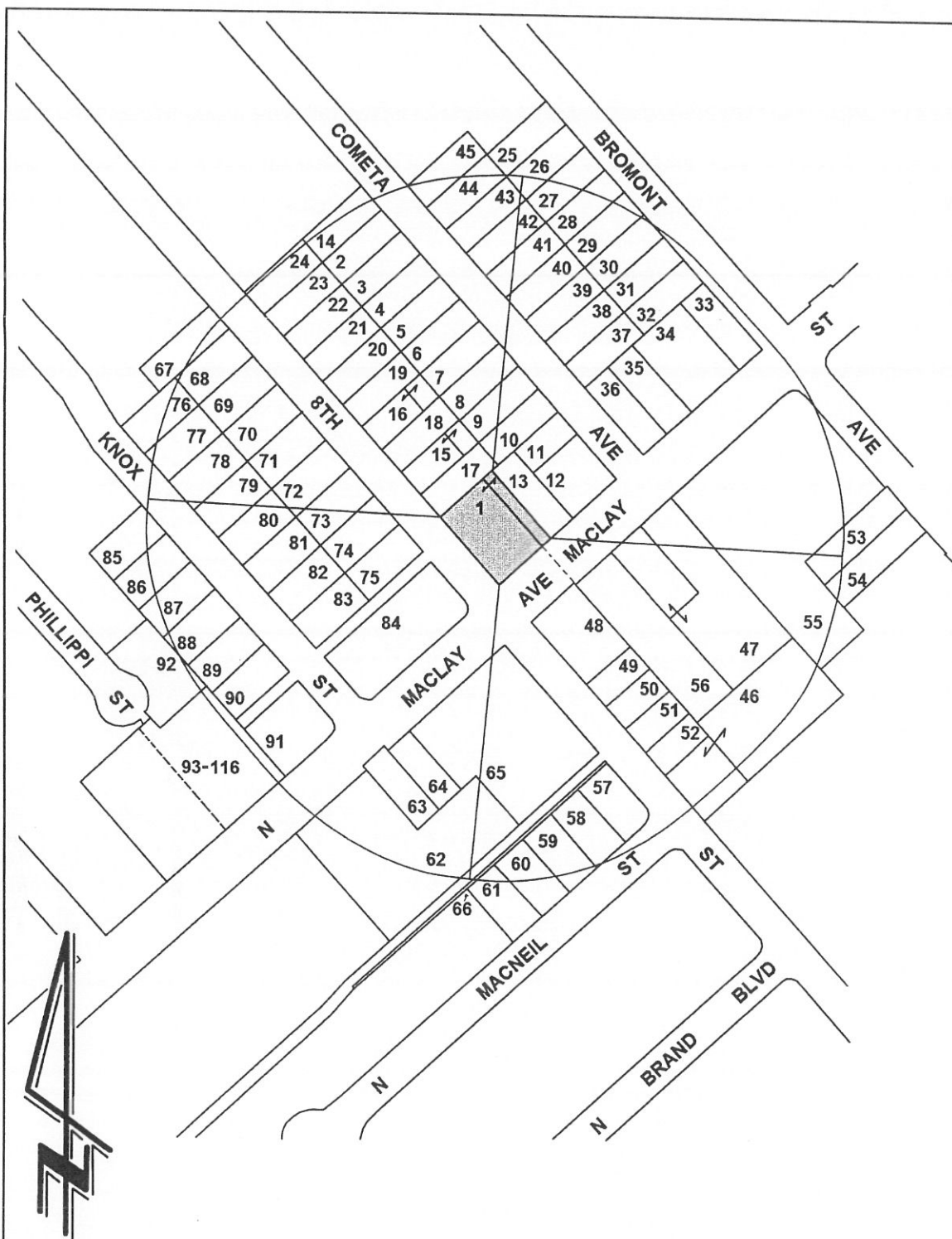
The project consists of a request for the approval of a Conditional Use Permit and Site Plan Review for the development of a 2,300 square foot 24 hour gasoline refueling service station in conjunction with a grocery store with limited sales of beer and wine and an ancillary 920 square foot automatic carwash within the Maclay District of the San Fernando Corridors Specific Plan Zone (SP-5). The project site is located on an 18,000 square foot lot and is located on the northwestern corner of North Maclay Avenue and Eighth Street.

This project has been reviewed for compliance with the California Environmental Quality Act (CEQA) of 1970. Based on that assessment, the project has been determined to be Categorically Exempt under Class 32 (In-fill Development Projects) of the City's adopted local CEQA Guidelines. Members of the public are invited to submit written comments regarding said project by or before the close of the public hearing. Written responses received by noon, March 27, 2019 will be included with the staff report for review by the Commission.

**Interested members of the public may also provide verbal comments or written comments regarding any aspect of the proposed project during the public comment portion of the public hearing on this matter. Please note that interested parties who may later wish to appeal or otherwise challenge any findings made or action taken by the Planning and Preservation Commission may be limited to appealing or challenging only those issues or concerns that were raised orally or in writing by or before the close of the public hearing conducted by the Planning and Preservation Commission.**

For further information regarding this proposal, please contact Gerardo Marquez, Associate Planner at (818) 837-1540 or [gmarquez@sfcity.org](mailto:gmarquez@sfcity.org) or by written correspondence to: City of San Fernando, Community Development Department, 117 Macneil Street, San Fernando, CA 91340-2993.

  
\_\_\_\_\_  
**Timothy T. Hou, AICP**  
Director of Community Development



1" = 200FT

500 FOOT RADIUS MAP

**CONTINENTAL MAPPING SERVICE**

LOCATED AT:

6315 VAN NUYS BLVD #208  
VAN NUYS CA 91401  
(818) 787-1663

SUBJECT PROPERTY:

**1203 N MACLAY AVE**

DATE: 2-27-19  
CMS 19-7675

# **1203 N MaClay Service Station and Car Wash Noise Impact Study City of San Fernando, CA**

Prepared for:

Nidal Azzi  
15000 Olive View Drive Unit A  
Sylmar, CA 91342

Prepared by:

**MD Acoustics, LLC**  
Mike Dickerson, INCE  
Robert Pearson  
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Chandler, AZ 85249

Date: 2/26/2019



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Noise Study Reports | Vibration Studies | Air Quality | Greenhouse Gas | Health Risk Assessments

P) AZ - 602.774.1950      P) CA - 805.426.4477

[www.mdacoustics.com](http://www.mdacoustics.com)  
[info@mdacoustics.com](mailto:info@mdacoustics.com)

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## 1.0 Executive Summary

This report has been prepared to provide the calculated noise projections from the proposed Service Station and Car Wash project located at 1203 n MaClay Avenue, in the City of San Fernando, CA. All noise projections were compared to the City of San Fernando's noise ordinance as well as the existing ambient condition.

### 1.1 Findings and Conclusions

Baseline ambient measurements were performed over a 24-hour period at the project site and represent the ambient noise condition within the project vicinity. Ambient noise data indicates the hourly average noise level ranged from 52.4 to 63.7dBA Leq(h). The predominant source of noise is traffic noise propagating from N MaClay Ave, 8<sup>th</sup> St, and the existing service station.

This study compares the Project's operational noise levels to two (2) different noise assessment scenarios: 1) Project only operational noise level projections, 2) Project plus ambient noise level projections.

Project only operational noise levels are anticipated to range between 32.7 to 47.8 dBA Leq, depending on the location of the residential or commercial receptor. The "project only" noise projections to the adjacent residential uses are below the City's most strict 55 dBA residential daytime limit and the City's 65 dBA commercial limit as outlined within the City's noise ordinance (see Section 34-27).

Project plus ambient noise level projections are anticipated to range between 58.2 to 58.6 dBA at adjacent receptors. This assessment evaluates the baseline noise condition and compares the project's worst-case operational noise level to the existing noise levels (during the project's proposed hours of operation). The "project plus ambient" noise projections increase ranges from 0.0 – 0.4 dBA, this increase in noise is not considered a significant increase as it takes at least a 3-dBA change in noise level for the ear to perceive a difference.

The project should incorporate the following project design features to ensure compliance to the city's noise ordinance.

1. The project shall incorporate the use of a silenced Protovest blower system (or equivalent).
2. The project shall incorporate retractable doors on the entrance and exit that effectively open and close when a car is either entering or exiting the carwash.
3. The project shall incorporate an 6-foot-high wall along the northern and eastern property lines.
4. The project shall incorporate perforated metal panels with acoustic liner (Acoustiblok All Weather Sound Panels or equivalent). These panels will be placed around the blower motors, and blowers inside the tunnel such that an additional 3 – 5 dB reduction is achieved. See Appendix B.

## **2.0 Introduction**

### **2.1 Purpose of Analysis and Study Objectives**

This purpose of this noise impact study is to evaluate the potential noise impacts for the project study area and to recommend noise mitigation measures, if necessary, to minimize the potential noise impacts. The assessment was conducted and compared to potentially applicable noise standards set forth by the State and/or Local agencies. Consistent with the City's Noise Guidelines, the project must demonstrate compliance to the applicable noise zoning ordinance and sound attenuation requirements.

The following is provided in this report:

- A description of the study area and the proposed project
- Information regarding the fundamentals of noise
- A description of the local noise guidelines and standards
- An evaluation of the existing ambient noise environment
- An analysis of stationary noise impact (e.g. blowers and vacuums) from the project site to adjacent land uses

### **2.2 Site Location and Study Area**

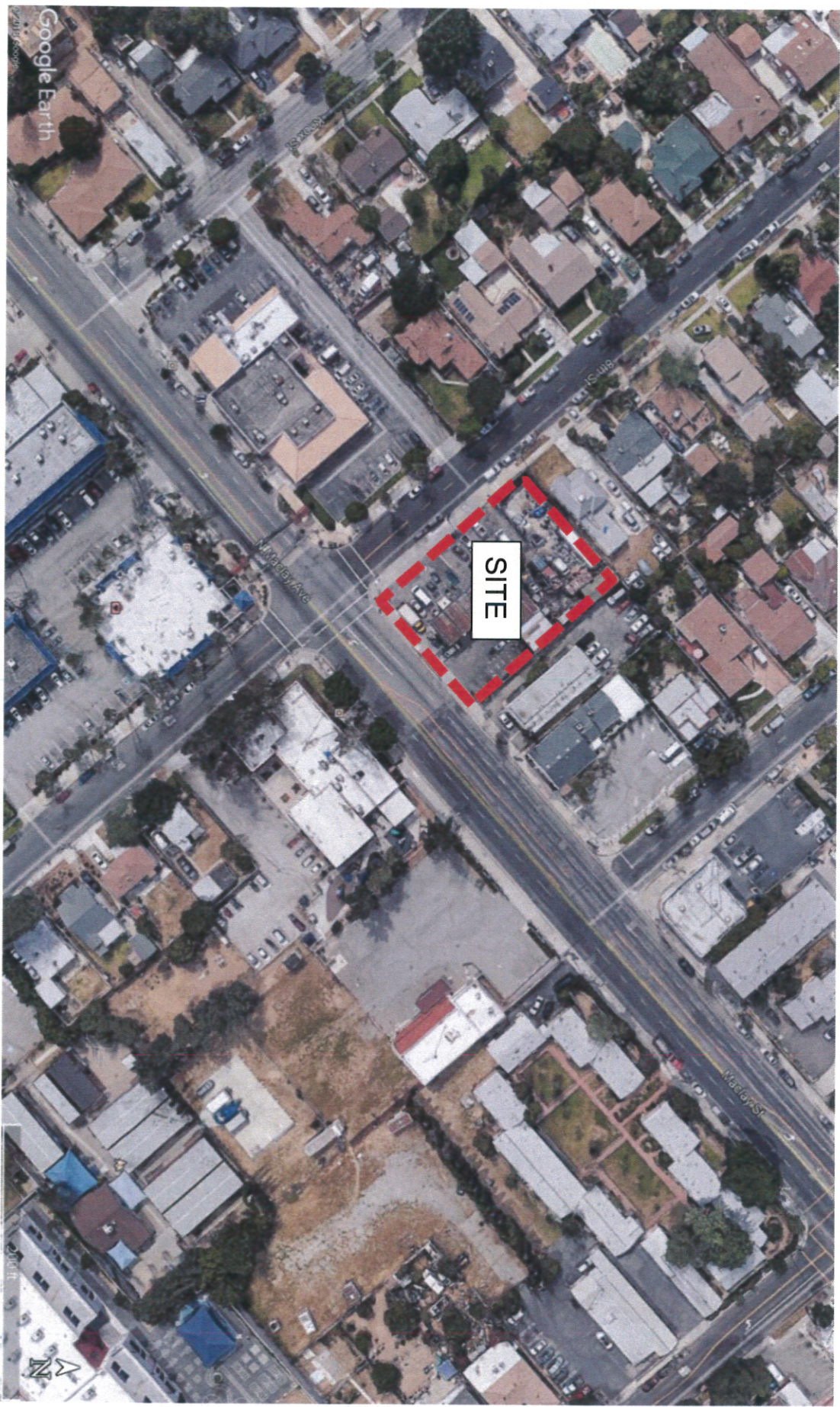
The project site is approximately 18,000 square feet and is located at the corner of Yale Ave and Irvine Blvd in Irvine, CA as shown in Exhibit A. The land uses directly surrounding the project site include existing residential to the north, and west, with commercial to the south and east.

### **2.3 Proposed Project Description**

The project proposes to develop a 920 square foot automatic car wash, including a 2,268 square foot convenience store, and 3,025 square feet of canopy. A noise study has been prepared which identifies the Project's worst-case potential impact to the adjacent uses and compares the noise level projections to the City's applicable noise ordinance. The site plan used for this is illustrated in Exhibit B.

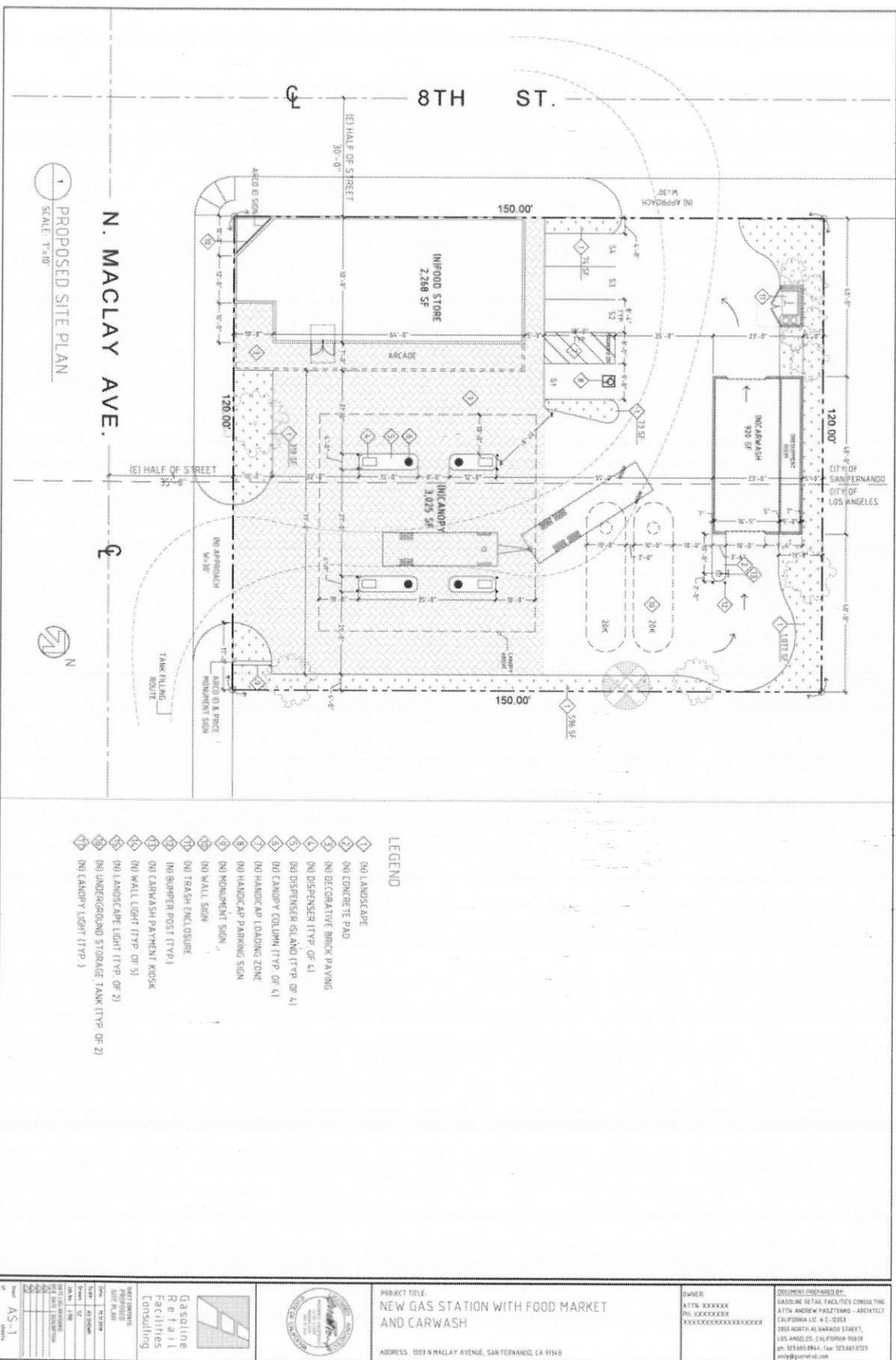


Exhibit A  
Location Map





# Exhibit B Site Plan



### 3.0 Fundamentals of Noise

This section of the report provides basic information about noise and presents some of the terms used within the report.

#### 3.1 Sound, Noise and Acoustics

Sound is a disturbance created by a moving or vibrating source and is capable of being detected by the hearing organs. Sound may be thought of as mechanical energy of a moving object transmitted by pressure waves through a medium to a human ear. For traffic, or stationary noise, the medium of concern is air. *Noise* is defined as sound that is loud, unpleasant, unexpected, or unwanted.

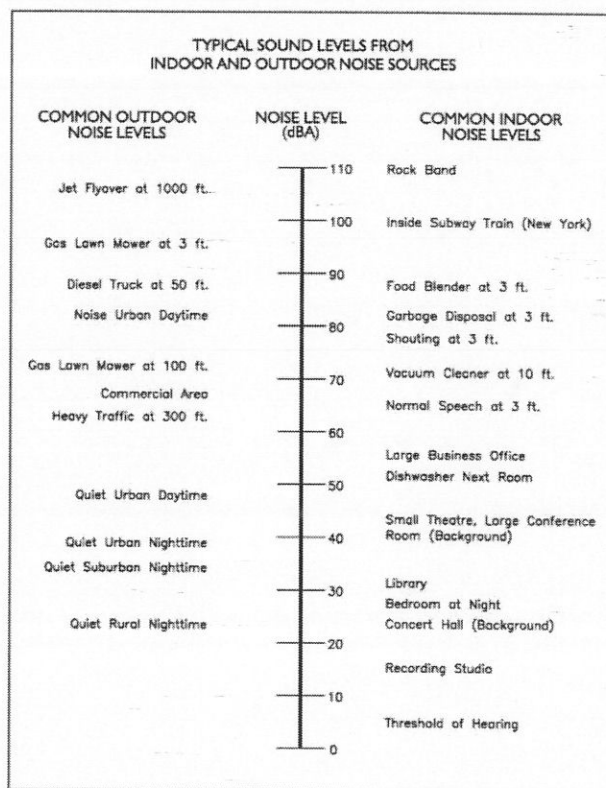
#### 3.2 Frequency and Hertz

A continuous sound is described by its *frequency* (pitch) and its *amplitude* (loudness). Frequency relates to the number of pressure oscillations per second. Low-frequency sounds are low in pitch (bass sounding) and high-frequency sounds are high in pitch (squeak). These oscillations per second (cycles) are commonly referred to as Hertz (Hz). The human ear can hear from the bass pitch starting out at 20 Hz all the way to the high pitch of 20,000 Hz.

#### 3.3 Sound Pressure Levels and Decibels

The *amplitude* of a sound determines its loudness. The loudness of sound increases or decreases as the amplitude increases or decreases. Sound pressure amplitude is measured in units of micro-Newton per square inch meter (N/m<sup>2</sup>), also called micro-Pascal (μPa). One μPa is approximately one hundred billionths (0.0000000001) of normal atmospheric pressure. Sound pressure level (SPL or L<sub>p</sub>) is used to describe in logarithmic units the ratio of actual sound pressures to a reference pressure squared. These units are called decibels abbreviated dB. Exhibit C illustrates reference sound levels for different noise sources.

Exhibit C: Typical A-Weighted Noise Levels



#### 3.4 Addition of Decibels

Because decibels are on a logarithmic scale, sound pressure levels cannot be added or subtracted by simple plus or minus addition. When two sounds of equal SPL are combined, they will produce an SPL 3 dB greater than the original single SPL. In other words, sound energy must be doubled to produce a 3 dB increase. If two sounds differ by approximately 10 dB, the higher sound level is the predominant sound.

### 3.5 Human Response to Changes in Noise Levels

In general, the healthy human ear is most sensitive to sounds between 1,000 Hz and 5,000 Hz, (A-weighted scale) and it perceives a sound within that range as being more intense than a sound with a higher or lower frequency with the same magnitude. For purposes of this report as well as with most environmental documents, the A-scale weighting is typically reported in terms of A-weighted decibel (dBA). Typically, the human ear can barely perceive the change in noise level of 3 dB. A change in 5 dB is readily perceptible, and a change in 10 dB is perceived as being twice or half as loud. As previously discussed, a doubling of sound energy results in a 3 dB increase in sound, which means that a doubling of sound energy (e.g. doubling the volume of traffic on a highway) would result in a barely perceptible change in sound level.

### 3.6 Noise Descriptors

Noise in our daily environment fluctuates over time. Some noise levels occur in regular patterns, others are random. Some noise levels are constant while others are sporadic. Noise descriptors were created to describe the different time-varying noise levels.

**A-Weighted Sound Level:** The sound pressure level in decibels as measured on a sound level meter using the A-weighted filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the response of the human ear. A numerical method of rating human judgment of loudness.

**Ambient Noise Level:** The composite of noise from all sources, near and far. In this context, the ambient noise level constitutes the normal or existing level of environmental noise at a given location.

**Community Noise Equivalent Level (CNEL):** The average equivalent A-weighted sound level during a 24-hour day, obtained after addition of five (5) decibels to sound levels in the evening from 7:00 to 10:00 PM and after addition of ten (10) decibels to sound levels in the night before 7:00 AM and after 10:00 PM.

**Decibel (dB):** A unit for measuring the amplitude of a sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micro-pascals.

**dB(A):** A-weighted sound level (see definition above).

**Equivalent Sound Level (LEQ):** The sound level corresponding to a steady noise level over a given sample period with the same amount of acoustic energy as the actual time varying noise level. The energy average noise level during the sample period.

**Habitable Room:** Any room meeting the requirements of the Uniform Building Code or other applicable regulations which is intended to be used for sleeping, living, cooking or dining purposes, excluding such enclosed spaces as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, cellars, utility rooms and similar spaces.



**L(n):** The A-weighted sound level exceeded during a certain percentage of the sample time. For example, L10 in the sound level exceeded 10 percent of the sample time. Similarly L50, L90 and L99, etc.

**Noise:** Any unwanted sound or sound which is undesirable because it interferes with speech and hearing, or is intense enough to damage hearing, or is otherwise annoying. The State Noise Control Act defines noise as "...excessive undesirable sound...".

**Outdoor Living Area:** Outdoor spaces that are associated with residential land uses typically used for passive recreational activities or other noise-sensitive uses. Such spaces include patio areas, barbecue areas, jacuzzi areas, etc. associated with residential uses; outdoor patient recovery or resting areas associated with hospitals, convalescent hospitals, or rest homes; outdoor areas associated with places of worship which have a significant role in services or other noise-sensitive activities; and outdoor school facilities routinely used for educational purposes which may be adversely impacted by noise. Outdoor areas usually not included in this definition are: front yard areas, driveways, greenbelts, maintenance areas and storage areas associated with residential land uses; exterior areas at hospitals that are not used for patient activities; outdoor areas associated with places of worship and principally used for short-term social gatherings; and, outdoor areas associated with school facilities that are not typically associated with educational uses prone to adverse noise impacts (for example, school play yard areas).

**Percent Noise Levels:** See L(n).

**Sound Level (Noise Level):** The weighted sound pressure level obtained by use of a sound level meter having a standard frequency-filter for attenuating part of the sound spectrum.

**Sound Level Meter:** An instrument, including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement and determination of noise and sound levels.

**Single Event Noise Exposure Level (SENEL):** The dB(A) level which, if it lasted for one second, would produce the same A-weighted sound energy as the actual event.

### 3.7 Traffic Noise Prediction

Noise levels associated with traffic depends on a variety of factors: (1) volume of traffic, (2) speed of traffic, (3) auto, medium truck (2–3 axle) and heavy truck percentage (4 axle and greater), and sound propagation. The greater the volume of traffic, higher speeds and truck percentages equate to a louder volume in noise. A doubling of the Average Daily Traffic (ADT) along a roadway will increase noise levels by approximately 3 dB; reasons for this are discussed in the sections above.

### 3.8 Sound Propagation

As sound propagates from a source it spreads geometrically. Sound from a small, localized source (i.e., a point source) radiates uniformly outward as it travels away from the source in a spherical pattern. The sound level attenuates at a rate of 6 dB per doubling of distance. The movement of vehicles down a roadway makes the source of the sound appear to propagate from a line (i.e., line source) rather than a point source. This line source results in the noise propagating from a roadway in a cylindrical

spreading versus a spherical spreading that results from a point source. The sound level attenuates for a line source at a rate of 3 dB per doubling of distance.

As noise propagates from the source, it is affected by the ground and atmosphere. Noise models use hard site (reflective surfaces) and soft site (absorptive surfaces) to help calculate predicted noise levels. Hard site conditions assume no excessive ground absorption between the noise source and the receiver. Soft site conditions such as grass, soft dirt or landscaping attenuate noise at a rate of 1.5 dB per doubling of distance. When added to the geometric spreading, the excess ground attenuation results in an overall noise attenuation of 4.5 dB per doubling of distance for a line source and 7.5 dB per doubling of distance for a point source.

Research has demonstrated that atmospheric conditions can have a significant effect on noise levels when noise receivers are located 200 feet from a noise source. Wind, temperature, air humidity and turbulence can further impact how far sound can travel.

## 4.0 Regulatory Setting

The proposed project is located in the city of San Fernando, CA and noise regulations are addressed through the efforts of various federal, state and local government agencies. The agencies responsible for regulating noise are discussed below.

### 4.1 City of San Fernando Noise Regulations

Chapter 34 – Environment, Article II – Noise, Section 34-29 of the San Fernando, CA Code of Ordinances states the following:

It shall be unlawful for any person, at any location within the incorporated area of the city, to create any noise or to allow the creation of any noise on property owned, leased, occupied, or otherwise controlled by such person, when the foregoing causes the noise level, when measured by a sound level meter on any other property, to exceed the permitted ambient noise level more than ten minutes per hour.

**Table 1: Allowable Exterior Noise Level**

Type of Land Use	Allowed Equivalent Noise Level, Leq <sup>2</sup>	
	7:00 am to 10:00 pm	10:00 pm to 7:00 am
Residential - Exterior Noise	55 dBA	50 dBA
Residential - Interior Noise	50 dBA	40 dBA
Commercial Properties - Exterior Noise	65 dBA	60 dBA
Industrial - Exterior Noise	70 dBA	70 dBA
Notes: 1. If the ambient noise exceeds the resulting standard, the ambient noise level shall be the standard. 2. Noise Levels for a Period not exceeding 10 minutes/hour.		

#### **Sec. 34-28 – Specific Noise Prohibited.**

- A. The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this article, but such enumeration shall not be deemed to be exclusive:
1. *Horns, signaling devices, etc.* The sounding of any horn or signaling device on any automobile, motorcycle, streetcar or other vehicle on any street or public place of the city, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time. The use of any signaling device, except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is, for any reason, held up.

2. *Radios, phonographs, etc.* The using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 25 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this subsection.
3. *Loudspeakers, amplifiers for advertising.* The using, operating of or the permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure, except as permitted in section 34-66.
4. *Yelling, shouting, etc.* Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, hotel or other type of residence or of any persons in the vicinity.
5. *Animals, birds.* The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort or repose of any persons in the vicinity.
6. *Steam whistles.* The blowing of any locomotive steam whistle or steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of proper city authorities.
7. *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
8. *Defect in vehicle or load.* The use of any automobile, motorcycle or vehicle so out of repair, so loaded, or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
9. *Loading, unloading, opening boxes.* The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
10. *Construction or repair of buildings.* The creation of noise in connection with the erection including excavation, demolition, alteration or repair of any building on Sundays and



federal holidays, or other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays and 8:00 a.m. and 6:00 p.m. on Saturdays, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building official, which permit may be granted for a period not to exceed three days or less while the emergency continues. If the building official should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of 6:00 p.m. and 7:00 a.m. on weekdays or 6:00 p.m. and 8:00 a.m. on Saturdays, and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of 6:00 p.m. and 7:00 a.m. on weekdays or 6:00 p.m. and 8:00 a.m. on Saturdays, upon application being made at the time the permit for the work is awarded or during the progress of the work.

11. *Schools, courts, churches, hospitals.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while such is in use or adjacent to any hospital which unreasonably interferes with the workings of such institution or which disturbs or unduly annoys patients in the hospitals, provided that conspicuous signs are displayed in such streets indicating that such is a school, hospital or court street
12. *Hawkers, peddlers.* The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.
13. *Drums.* The use of any drum or other instrument or device for the purpose of attracting attention, creation of noise to any performance, show or sale.
14. *Transportation of metal rails, pillars and columns.* The transportation of rails, pillars or columns of iron, steel or other material over and along streets and other public places upon carts, drays, cars, trucks or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places.
15. *Pile drivers, hammers, etc.* The operation between the hours of 6:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hose or other appliance, the use of which is attended by loud or unusual noise.
16. *Blowers/lawn mowers.* The operation of any noise-creating blower, lawn mower, or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower, lawn mower, or fan is muffled and such engine is equipped with a muffler device to deaden such noise.

B. Any of the noises stated in subsection (a) of this section violating section 34-29 shall be considered a prima facie violation of this article.



**Sec. 34-31-Exclusions:** *The following activities shall be exempted from the provision of this chapter.*

1. Activities conducted on the grounds of any public or private nursery, elementary, intermediate or secondary school or college.
2. Outdoor gatherings, public dances, shows and sporting and entertaining events, provided such events are conducted pursuant to a license and/or permit issued by the city pursuant to article III of chapter 22 of this Code relative to the staging of such events.
3. Activities conducted on any park or playground, provided such park or playground is owned and operated by a public entity.
4. Any mechanical device, apparatus or equipment used, related to or connected with emergency machinery, vehicles or work.
5. Noise sources associated with construction, repair, remodeling or grading of any real property are allowed up to 70 dB measured at the property line, provided such activities do not take place between the hours of 6:00 p.m. and 7:00 a.m. on weekdays and 6:00 p.m. and 8:00 a.m. on Saturdays, or at any time on Sundays or on federal holidays.
6. Noise sources associated with the maintenance of real property, provided the activities take place between the hours of 7:00 a.m. and 6:00 p.m. on any day except Saturdays, Sundays, or on federal holidays, or between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays, Sundays or on federal holidays.
7. Any activity to the extent regulation thereof has been preempted by state or federal law.
8. Activities of the federal, state or local government and its duly franchised utilities.
9. Trains operated in conformity with and regulated by any federal or state agency.
10. Activities necessary to continue to provide utility services to the general public, whether this service is installing additional facilities, restoring worn or damaged facilities and/or maintaining existing services.

## **5.0 Study Method and Procedure**

The following section describes the noise modeling procedures and assumptions used for this assessment.

### **5.1 Noise Measurement Procedure and Criteria**

Noise measurements were taken to determine the existing noise levels. A noise receiver or receptor is any location in the noise analysis in which noise might produce an impact. The following criteria are used to select measurement locations and receptors:

- Locations expected to receive the highest noise impacts, such as first row of houses
- Locations that are acoustically representative and equivalent of the area of concern
- Human land usage
- Sites clear of major obstruction and contamination

MD conducted the sound level measurements in accordance to the City and the Federal Highway Transportation (FHWA) technical noise specifications. All measurements equipment meets American National Standards Institute (ANSI) specifications for sound level meters (S1.4-1983 identified in Chapter 19.68.020.AA). The following gives a brief description of the Technical Noise Supplement procedures for sound level measurements:

- Microphones for sound level meters were placed 5-feet above the ground for all measurements
- Sound level meters were calibrated (Larson Davis CAL 200) before and after each measurement
- Following the calibration of equipment, a wind screen was placed over the microphone
- Frequency weighting was set on "A" and slow response
- Results of the long-term noise measurements were recorded on field data sheets
- Temperature and sky conditions were observed and documented

### **5.2 Noise Measurement Locations**

Noise monitoring location was selected based on the distance of the project's stationary noise sources to the nearest sensitive receptors. One (1) long-term 24-hour noise measurements was conducted at the project site and represents the noise level from the existing conditions and is illustrated in Exhibit D. Appendix A includes photos, field sheet, and measured noise data.

### **5.3 Stationary Noise Modeling**

SoundPLAN (SP) acoustical modeling software was utilized to model future worst-case stationary noise impacts to the adjacent land uses. SP is capable of evaluating multiple stationary noise source impacts at various receiver locations. SP's software utilizes algorithms (based on the inverse square law and reference equipment noise level data) to calculate noise level projections. The software allows the user to input specific noise sources, spectral content, sound barriers, building placement, topography, and sensitive receptor locations.

The future worst-case noise level projections were modeled using referenced sound level data for the various stationary on-site sources.

The following outlines the **project design features** implemented in to the project:

1. The blowers (a silenced Protovest blower system) were modeled at 10 feet high as a point source, the silenced Protovest blower System will be located approximately 5 to 10 feet inside the exit of the tunnel.
2. The project will incorporate acoustiblok perforated acoustic metal (or equivalent) panels at the blowers and motor. A 5 dB reduction was applied to model the perforated metal panels with acoustic backing (see Appendix B).
3. The tunnel will incorporate doors at the entrance and exit that will close while the car wash is running.

The model was calibrated to match the reference sound level data provided by the manufacturer. The reference equipment sound level data is provided in Appendix C. All other noise producing equipment (e.g., compressors, pumps) will be housed within mechanical equipment rooms.



**1** = Long-term  
Monitoring Location

Exhibit D  
Measurement Locations





## 6.0 Existing Noise Environment

One (1) long-term 24-hour noise measurement was conducted at the project site and represents the noise level from the existing conditions. The measurement measured the 1-minute Leq, Lmin, Lmax and other statistical data (e.g. L2, L8...). The noise measurements were taken to determine the existing ambient noise levels. Noise data indicates that traffic along 8<sup>th</sup> st, North MaClay Ave, and the existing service station are the primary sources of noise impacting the site and the adjacent uses. This assessment utilizes the ambient noise data as a basis and compares project operational levels to said data.

### 6.1 Long-Term Noise Measurement Results

The results of the Long-term noise data is presented in Table 2.

**Table 2: Long-Term Noise Measurement Data (dBA)<sup>1</sup>**

Date	Time	dB(A)							
		L <sub>EQ</sub>	L <sub>MAX</sub>	L <sub>MIN</sub>	L <sub>2</sub>	L <sub>8</sub>	L <sub>25</sub>	L <sub>50</sub>	L <sub>90</sub>
12/6/2018	1PM-2PM	62.9	76.0	53.6	67.7	66.0	64.1	61.9	58.0
12/6/2018	2PM-3PM	63.7	79.6	52.9	68.4	66.2	64.5	62.7	59.1
12/6/2018	3PM-4PM	62.8	76.4	54.3	68.2	65.5	63.6	61.7	58.2
12/6/2018	4PM-5PM	63.3	81.7	55.2	67.9	65.6	63.8	61.9	58.8
12/6/2018	5PM-6PM	62.9	80.7	54.6	67.3	65.0	63.4	61.7	59.0
12/6/2018	6PM-7PM	61.5	72.6	50.4	66.3	64.6	62.7	60.4	56.3
12/6/2018	7PM-8PM	61.7	72.5	55.8	66.0	64.2	62.5	60.9	58.3
12/6/2018	8PM-9PM	59.9	76.7	54.6	64.8	62.3	60.3	58.8	56.7
12/6/2018	9PM-10PM	58.2	78.0	51.2	63.3	60.3	58.4	57.1	54.9
12/6/2018	10PM-11PM	57.7	70.0	51.8	63.5	60.1	58.0	56.6	54.4
12/6/2018	11PM-12PM	55.7	67.0	49.5	60.1	58.1	56.4	55.0	52.6
12/7/2018	12PM-1AM	53.6	68.3	45.2	60.5	56.2	53.7	52.0	48.9
12/7/2018	1AM-2AM	52.4	73.1	44.0	57.7	54.6	52.6	50.9	48.1
12/7/2018	2AM-3AM	53.0	62.4	45.5	57.6	55.7	53.8	52.2	49.4
12/7/2018	3AM-4AM	54.3	70.7	47.8	58.6	56.5	54.9	53.5	51.0
12/7/2018	4AM-5AM	54.4	71.4	45.8	60.0	57.1	54.9	53.0	49.3
12/7/2018	5AM-6AM	58.0	68.0	48.8	62.7	60.8	59.2	57.6	52.5
12/7/2018	6AM-7AM	60.8	74.5	55.8	64.8	62.5	61.2	60.2	58.5
12/7/2018	7AM-8AM	60.9	80.1	55.7	66.3	62.4	60.7	59.7	58.1
12/7/2018	8AM-9AM	59.9	77.7	54.6	65.3	62.0	60.1	58.8	57.0
12/7/2018	9AM-10AM	60.1	81.9	53.3	66.5	61.7	59.6	57.8	55.6
12/7/2018	10AM-11AM	59.3	74.4	53.3	65.0	61.3	59.4	58.0	56.0
12/7/2018	11AM-12PM	58.7	71.6	53.6	64.0	61.0	59.1	57.7	55.9
12/7/2018	12PM-1PM	60.4	78.2	54.0	68.0	62.3	59.7	58.2	55.9
CNEL		64.4							
Notes:									
1. Long-term noise monitoring location (LT1) is illustrated in Exhibit E. The quietest hourly day noise interval is highlighted in orange when project operations could occur.									

Noise data indicates the ambient noise level ranged between 52.4 dBA to 58.2 dBA near project site and surrounding area. Maximum levels reach 63.7 dBA as a result of traffic along 8<sup>th</sup> st, North MaClay Ave, and the existing service station. During times when traffic is present the quietest noise level measured 52.4 dBA. Additional field notes and photographs are provided in Appendix A.

For this evaluation, MD has utilized the quietest hourly level (during potential operational hours) and has compared the project's projected noise levels to the said ambient level. The quietest (lowest) day/evening hourly level occurred between 9PM to 10PM (58.2 dBA, Leq(h)). It should be noted that the quietest ambient noise level is already above the City's daytime noise standard (55 dBA) effectively making it the ambient standard.

## **7.0 Future Noise Environment Impacts and Mitigation**

This assessment analyzes future noise impacts as a result of the project. The analysis details the estimated exterior noise levels. Stationary noise impacts are analyzed from the noise sources on-site such as dryers/blowers and vacuums/compressed air systems which include the project design features. The analysis details the estimated exterior noise levels.

### **7.1 Stationary Source Noise**

The following outlines the exterior noise levels associated with the proposed project.

#### **7.1.1 Noise Impacts to Off-Site Receptors Due to Stationary Sources**

Sensitive receptors that may be affected by project operational noise include existing residences to the north, and east, with commercial properties to the south, and west. The worst-case stationary noise was modeled using SoundPLAN acoustical modeling software. Worst-case assumes the blowers, vacuums and equipment are always operational when in reality the noise will be intermittent and cycle on/off depending on the customer usage. Project operations are assumed to occur within the City's allowable daytime (7 a.m. to 10 p.m.) hours.

A total of five (5) receptors R1 – R5 were modeled to evaluate the proposed project's operational impact to the nearest residential and commercial receptors to the project site. A receptor is denoted by a yellow or green dot. All yellow or green dots represent either a property line or a sensitive receptor such as an outdoor sensitive area (e.g. courtyard, patio, backyard, etc).

As previously mentioned, this study compares the Project's operational noise levels to two (2) different noise assessment scenarios: 1) Project Only operational noise level projections, 2) Project plus ambient noise level projections.

#### **Project Operational Noise Levels**

Exhibit E shows the "project only" operational noise levels at the property lines and/or sensitive receptor area. Operational noise levels are anticipated to range between 32.7 dBA to 47.8 dBA at adjacent uses (depending on the location). Exhibit C provides a scale which illustrates loudness associated with common noise levels. According to the scale, the car wash would approximately sound like a dishwasher in the next room or quiet urban day (at the nearest residential unit), when no traffic noise is present.

The "project only" noise projections to the adjacent uses are below the City's 55 dBA residential daytime limit as well as the 60 dBA commercial daytime limit as outlined within the City's noise ordinance (see Section 34-27).

The operational noise levels assume car wash activities occur during the allowable daytime hours as outlined within the City's ordinance. After 10:00 p.m. car wash activities would cease and the project noise levels would consist of solely gas pump operations which are confined to the project site and would not impact adjacent uses.



### **Project Plus Ambient Operational Noise Levels**

Table 3 demonstrates the project plus the ambient noise levels. Project plus ambient noise level projections are anticipated to range between 58.3 to 58.6 dBA Leq at residential receptors (R2 – R3) and 58.2 to 58.3 dBA Leq at commercial receptors (R1, R4, R5,).

**Table 3: Worst-Case Predicted Operational Noise Levels (dBA)<sup>1</sup>**

Receptor <sup>1</sup>	Floor	Existing Ambient Noise Level (dBA, Leq) <sup>2</sup>	Project Noise Level (dBA, Leq) <sup>3</sup>	Total Combined Noise Level (dBA, Leq)	Change in Noise Level as Result of Project
1	Floor 1	58.2	38.0	58.2	0.0
2	Floor 1		41.7	58.3	0.1
3	Floor 1		47.8	58.6	0.4
4	Floor 1		39.3	58.3	0.1
	Floor 2		39.4	58.3	0.1
5	Floor 1		32.7	58.2	0.0
Notes: <sup>1</sup> . Receptor 1-5 are sensitive receptors. <sup>2</sup> . Existing noise level during daytime and evening hours. <sup>3</sup> . See Exhibit E for the operational noise level projections at said receptors.					

As shown in Table 3 the existing noise levels are anticipated to change of between 0.0 to 0.4 dBA, Leq at adjacent land uses.

Table 4 provides the characteristics associated with changes in noise levels.

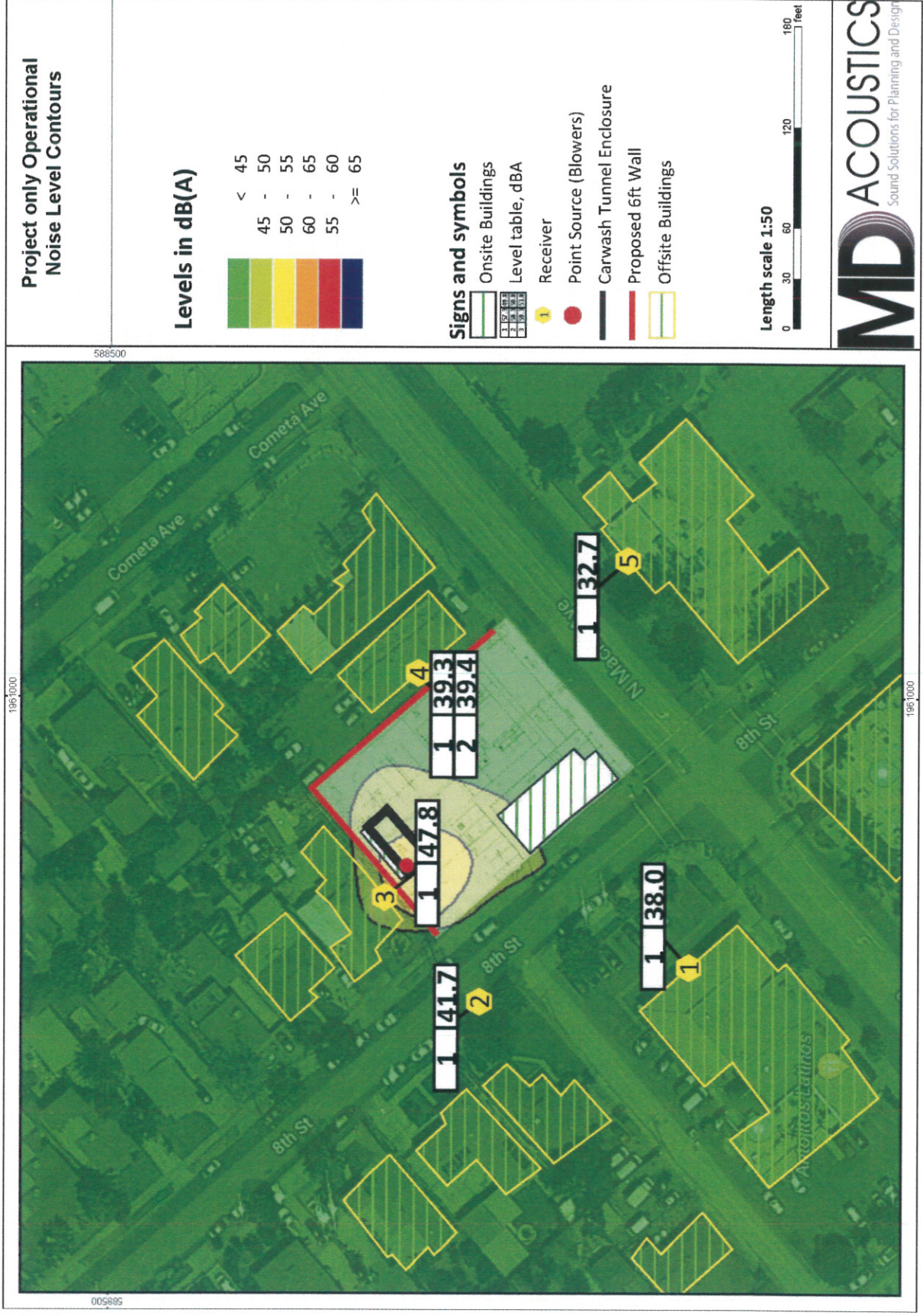
**Table 4: Change in Noise Level Characteristics<sup>1</sup>**

Changes in Intensity Level, dBA	Changes in Apparent Loudness
1	Not perceptible
3	Just perceptible
5	Clearly noticeable
10	Twice (or half) as loud

[https://www.fhwa.dot.gov/Environment/noise/regulations\\_and\\_guidance/polguide/polguide02.cfm](https://www.fhwa.dot.gov/Environment/noise/regulations_and_guidance/polguide/polguide02.cfm)

The change in noise level would be considered “Not Perceptible” at the residences or commercial uses.

## Operational Noise Levels Leq(h)/CNEL





## 8.0 Construction Noise Impact

The degree of construction noise may vary for different areas of the project site and also vary depending on the construction activities. Noise levels associated with the construction will vary with the different phases of construction. Construction output calculations are located in Appendix D.

### 8.1 Construction Noise

The Environmental Protection Agency (EPA) has compiled data regarding the noise generated characteristics of typical construction activities. The data is presented in Table 5.

**Table 5: Typical Construction Equipment Noise Levels<sup>1</sup>**

Type	Lmax (dBA) at 50 Feet
Backhoe	80
Truck	88
Concrete Mixer	85
Pneumatic Tool	85
Pump	76
Saw, Electric	76
Air Compressor	81
Generator	81
Paver	89
Roller	74
Notes: <sup>1</sup> Referenced Noise Levels from FTA noise and vibration manual.	

The projected construction noise levels at the north and west residential property lines are presented in Table 6, with the ambient levels being the quietest (lowest) hourly ambient levels recorded from 9PM to 10PM (most conservative ambient level).

**Table 6: Projected Construction Noise Levels (dBA, Leq(h))**

Location <sup>1</sup>	Phase	Construction Noise Level <sup>2</sup>	Ambient Leq(h)	Reduction with Sound Barriers + Mufflers	Mitigated Noise Level	Exceeds Standard With Reduction Measures?
North and West Residences	Demo	87.2	64.4	-28.0	59.2	NO
	Grade	76.0	64.4	-20.0	56.6	NO
	Base	75.6	64.4	-20.0	56.2	NO
	Build	82.4	64.4	-25.0	57.5	NO
	Finish	89.1	64.4	-30.0	59.1	NO
Notes: <sup>1</sup> Distance projected from northeast corner of site to nearest sensitive property line. <sup>2</sup> Calculations using the FTA noise and vibration manual.						

Construction noise will have a temporary or periodic increase in the ambient noise level above the existing within the project vicinity. Using the reduction measures outlined in Section 8.3, the construction noise levels are anticipated to remain below the City's 70 dBA construction noise limit (Section 34-31 (5)).

## 8.2 Construction Vibration

Construction activities can produce vibration that may be felt by adjacent land uses. The construction of the proposed project would not require the use of equipment such as pile drivers, which are known to generate substantial construction vibration levels. The two (2) pieces of equipment with the most potential to cause vibratory impact are the truck and the roller. According to the FTA Noise and Vibration Impact Assessment manual, a loaded truck has a PPV of 0.076 in/sec (86 VdB) at 25 feet, and a vibratory roller has a PPV of 0.210 in/sec (94 VdB) at 25 ft.

The fundamental equation used to calculate vibration propagation through average soil conditions and distance is as follows:

$$PPV_{\text{equipment}} = PPV_{\text{ref}} (100/D_{\text{rec}})^n$$

Where:  $PPV_{\text{ref}}$  = reference PPV at 100ft.

$D_{\text{rec}}$  = distance from equipment to receiver in ft.

$n = 1.1$  (the value related to the attenuation rate through ground)

The thresholds from the Caltrans Transportation and Construction Induced Vibration Guidance Manual in Table 7 (below) provides general thresholds and guidelines as to the vibration damage potential from vibratory impacts.

**Table 7: Guideline Vibration Damage Potential Threshold Criteria**

Structure and Condition	Maximum PPV (in/sec)	
	Transient Sources	Continuous/Frequent Intermittent Sources
Extremely fragile historic buildings, ruins, ancient monuments	0.12	0.08
Fragile buildings	0.2	0.1
Historic and some old buildings	0.5	0.25
Older residential structures	0.5	0.3
New residential structures	1.0	0.5
Modern industrial/commercial buildings	2.0	0.5
Source: Table 19, Transportation and Construction Vibration Guidance Manual, Caltrans, Sept. 2013. Note: Transient sources create a single isolated vibration event, such as blasting or drop balls. Continuous/frequent intermittent sources include impact pile drivers, pogo-stick compactors, crack-and-seat equipment, vibratory pile drivers, and vibratory compaction equipment.		

Table 8 gives approximate vibration levels for particular construction activities. This data provides a reasonable estimate for a wide range of soil conditions.

**Table 8: Vibration Source Levels for Construction Equipment<sup>1</sup>**

Equipment	Peak Particle Velocity (inches/second) at 25 feet	Approximate Vibration Level LV (dVB) at 25 feet
Pile driver (impact)	1.518 (upper range)	112
	0.644 (typical)	104
Pile driver (sonic)	0.734 upper range	105
	0.170 typical	93
Clam shovel drop (slurry wall)	0.202	94
Hydromill	0.008 in soil	66
(slurry wall)	0.017 in rock	75
Vibratory Roller	0.21	94
Hoe Ram	0.089	87
Large bulldozer	0.089	87
Caisson drill	0.089	87
Loaded trucks	0.076	86
Jackhammer	0.035	79
Small bulldozer	0.003	58

<sup>1</sup> Source: Transit Noise and Vibration Impact Assessment, Federal Transit Administration, May 2006.

The nearest vibration-sensitive building is located at least 50 feet from the center of the construction site. Therefore, the maximum PPV at the noise-sensitive locations is 0.027 in/sec for the truck and 0.074 in/sec for the roller. These levels have no likely damage or annoyance impact according to the FTA manual. Therefore, no additional vibration mitigation measures are required. The impact is less than significant and no mitigation is required.

### 8.3 Construction Noise Reduction Measures

Construction operations must follow the City's General Plan and the Noise Ordinance, which states that construction, repair or excavation work performed must occur within the permissible hours. To further ensure that construction activities do not disrupt the adjacent land uses, the following measures should be taken:

1. Temporary sound barriers at least 12-feet tall shall be placed around the noisy equipment during demolition phase, grade, base/concrete and build phases.
2. The construction equipment shall be fitted with appropriate mufflers such that a 10 to 15-dB reduction is achieved above normal operation.
3. Construction should occur during the permissible hours as defined in City's Municipal Code (34-31 (5)).
4. During construction, the contractor shall ensure all construction equipment is equipped with appropriate noise attenuating devices.

5. The contractor should locate equipment staging areas that will create the greatest distance between construction-related noise/vibration sources and sensitive receptors nearest the project site during all project construction.
6. Idling equipment should be turned off when not in use.
7. Equipment shall be maintained so that vehicles and their loads are secured from rattling and banging.



## **9.0    *References***

San Fernando, CA Code of Ordinances – Chapter 34- Environment. – Article II Noise



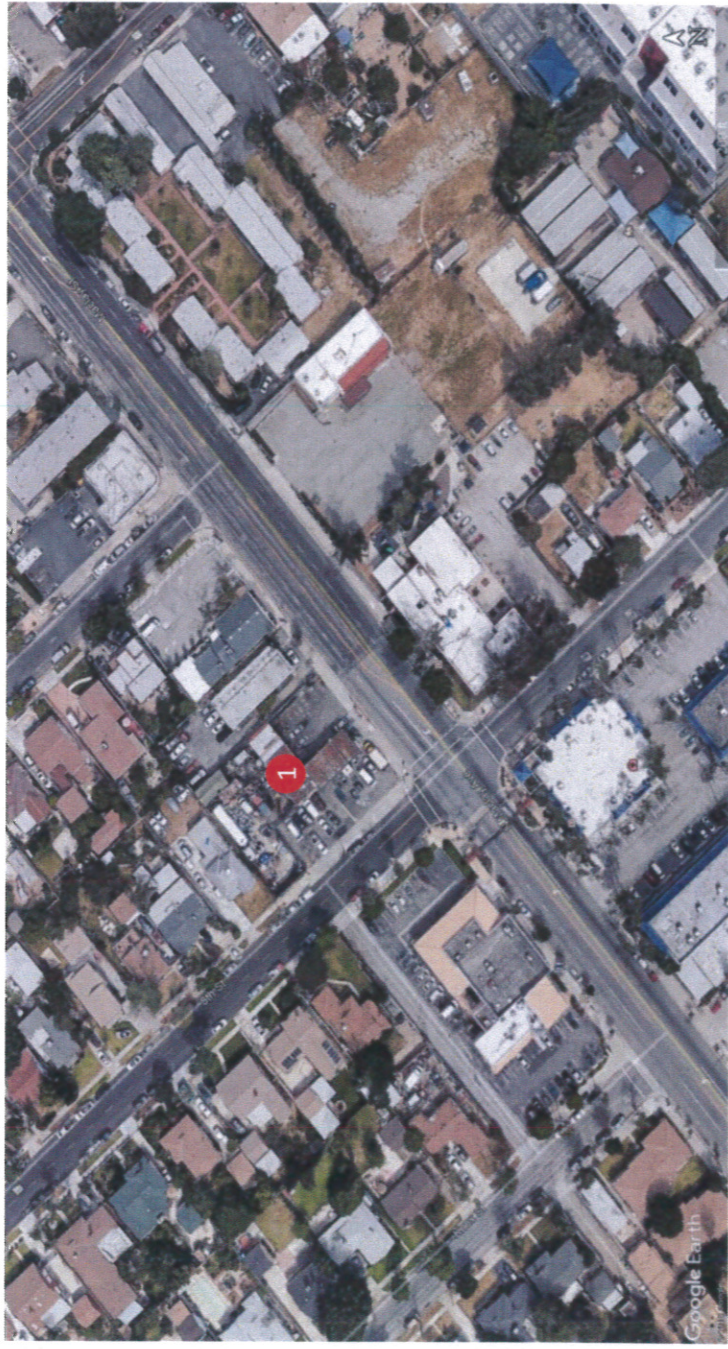
**Appendix A:**  
Photographs and Field Measurement Data

**24-Hour Continuous Noise Measurement Datasheet**

<b>Project:</b>	MaClay Car WashNoise Impact Study	<b>Site Observations:</b>	Cloudy sky, measurement was performed on the roof of the existing building. Ambient noise consisted of traffic along N. MaClay Ave, 8th st, Cometa Ave, and Mechanic shop work.
<b>Site Address/Location:</b>	1203 MaClay Car Wash, San Fernando, CA		
<b>Date:</b>	12/6/2018 to 12/7/2018		
<b>Field Tech/Engineer:</b>	Mike Dickerson, INCE		

<b>General Location:</b>		<b>Site Topo:</b>	Flat
<b>Sound Meter:</b>	LD 831	<b>Ground Type:</b>	Soft site, w/ street surface hard
<b>Settings:</b>	A-weighted, slow, 1-Min interval, 24-hour duration		
<b>Meteorological Con.:</b>	60 degrees F, 10 to 15 mph wind	<b>Noise Source(s) w/ Distance:</b>	
<b>Site ID:</b>	LT-1	C/L of N.MaClay is 119ft from meter	
		C/L of 8th st is 100ft from meter	
		C/L of Cometa st is 220ft from meter	
		Mechanic Shop is Below	

**Figure 1: LT-1 Monitoring Location**



**Figure 2: LT-1 Photo**





## 24-Hour Continuous Noise Measurement Datasheet - Cont.

**Project:** MaClay Car Wash Noise Impact Study

**Site Address/Location:** 1203 MaClay Car Wash, San Fernando, CA

**Site ID:** LT-1

Day: 1 of 1

Date	Start	Stop	Leq	Lmax	Lmin	L2	L8	L25	L50	L90
12/6/2018	1:00 PM	2:00 PM	62.9	76.0	53.6	67.7	66.0	64.1	61.9	58.0
12/6/2018	2:00 PM	3:00 PM	63.7	79.6	52.9	68.4	66.2	64.5	62.7	59.1
12/6/2018	3:00 PM	4:00 PM	62.8	76.4	54.3	68.2	65.5	63.6	61.7	58.2
12/6/2018	4:00 PM	5:00 PM	63.3	81.7	55.2	67.9	65.6	63.8	61.9	58.8
12/6/2018	5:00 PM	6:00 PM	62.9	80.7	54.6	67.3	65.0	63.4	61.7	59.0
12/6/2018	6:00 PM	7:00 PM	61.5	72.6	50.4	66.3	64.6	62.7	60.4	56.3
12/6/2018	7:00 PM	8:00 PM	61.7	72.5	55.8	66.0	64.2	62.5	60.9	58.3
12/6/2018	8:00 PM	9:00 PM	59.9	76.7	54.6	64.8	62.3	60.3	58.8	56.7
12/6/2018	9:00 PM	10:00 PM	58.2	78.0	51.2	63.3	60.3	58.4	57.1	54.9
12/6/2018	10:00 PM	11:00 PM	57.7	70.0	51.8	63.5	60.1	58.0	56.6	54.4
12/6/2018	11:00 PM	12:00 AM	55.7	67.0	49.5	60.1	58.1	56.4	55.0	52.6
12/7/2018	12:00 AM	1:00 AM	53.6	68.3	45.2	60.5	56.2	53.7	52.0	48.9
12/7/2018	1:00 AM	2:00 AM	52.4	73.1	44.0	57.7	54.6	52.6	50.9	48.1
12/7/2018	2:00 AM	3:00 AM	53.0	62.4	45.5	57.6	55.7	53.8	52.2	49.4
12/7/2018	3:00 AM	4:00 AM	54.3	70.7	47.8	58.6	56.5	54.9	53.5	51.0
12/7/2018	4:00 AM	5:00 AM	54.4	71.4	45.8	60.0	57.1	54.9	53.0	49.3
12/7/2018	5:00 AM	6:00 AM	58.0	68.0	48.8	62.7	60.8	59.2	57.6	52.5
12/7/2018	6:00 AM	7:00 AM	60.8	74.5	55.8	64.8	62.5	61.2	60.2	58.5
12/7/2018	7:00 AM	8:00 AM	60.9	80.1	55.7	66.3	62.4	60.7	59.7	58.1
12/7/2018	8:00 AM	9:00 AM	59.9	77.7	54.6	65.3	62.0	60.1	58.8	57.0
12/7/2018	9:00 AM	10:00 AM	60.1	81.9	53.3	66.5	61.7	59.6	57.8	55.6
12/7/2018	10:00 AM	11:00 AM	59.3	74.4	53.3	65.0	61.3	59.4	58.0	56.0
12/7/2018	11:00 AM	12:00 PM	58.7	71.6	53.6	64.0	61.0	59.1	57.7	55.9
12/7/2018	12:00 PM	1:00 PM	60.4	78.2	54.0	68.0	62.3	59.7	58.2	55.9

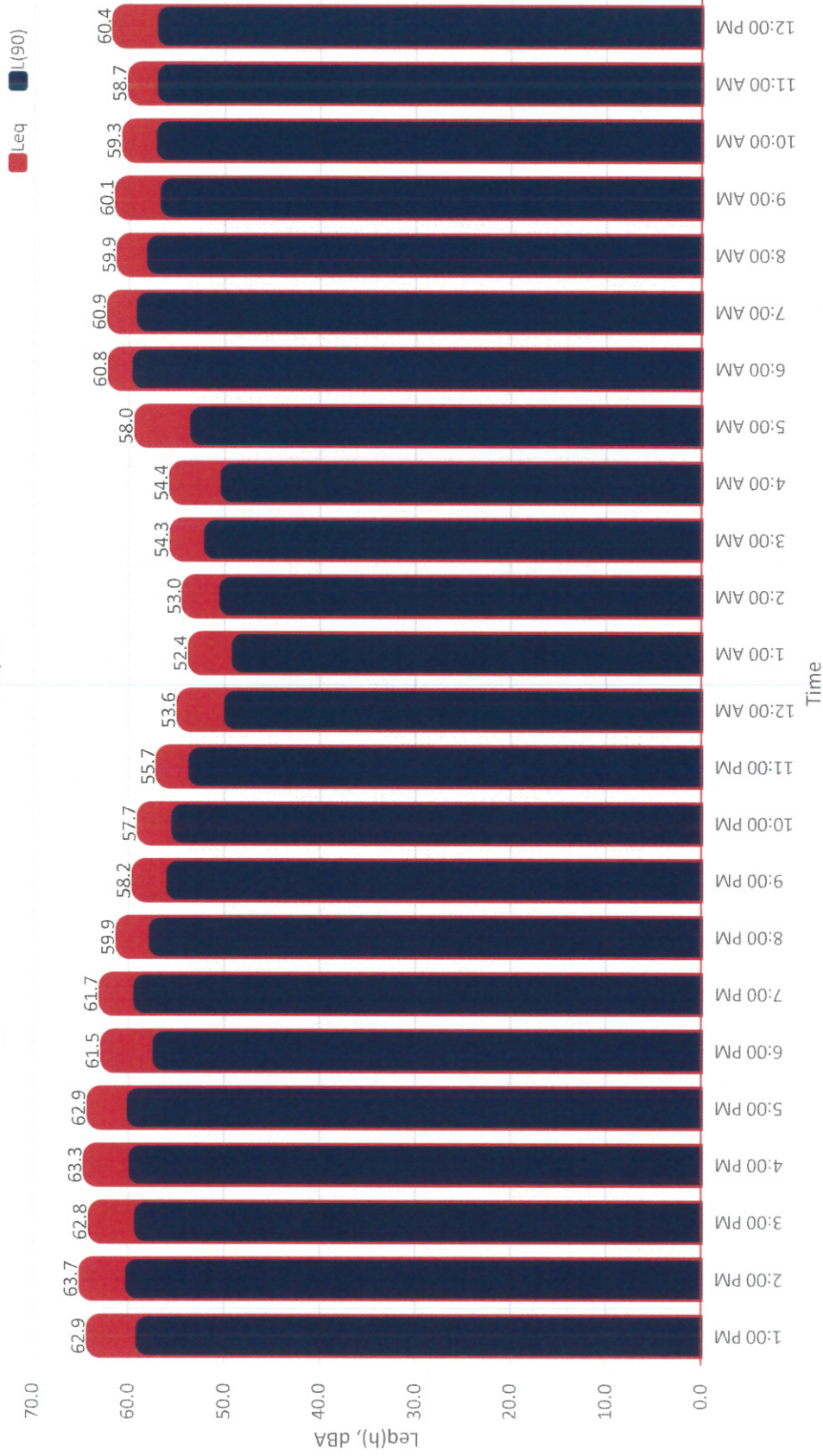
CNEL: 64.4

24-Hour Continuous Noise Measurement Dataset - Cont.

**Project:** MaClay Car Wash Noise Impact Study  
**Site Address/Location:** 1203 MaClay Car Wash, San Fernando, CA  
**Site ID:** LT-1

**Day:** 1 of 1

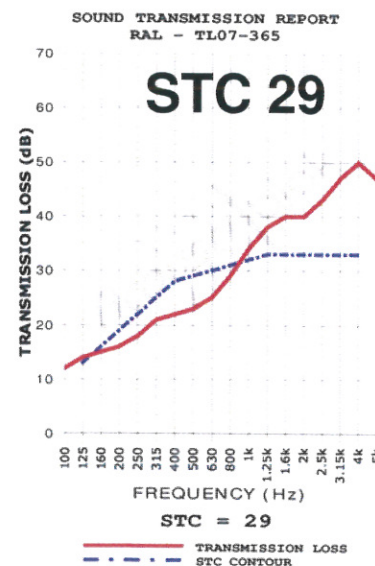
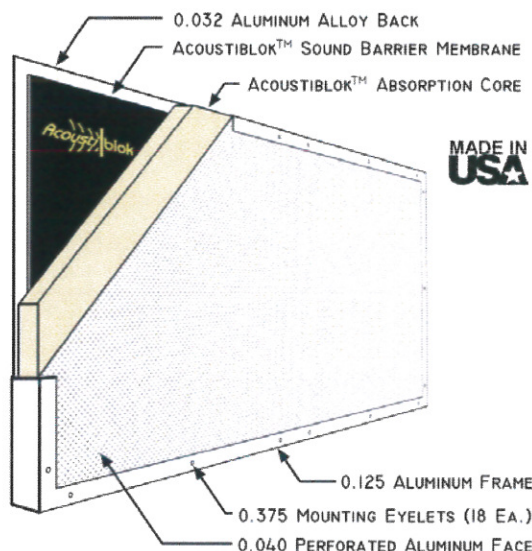
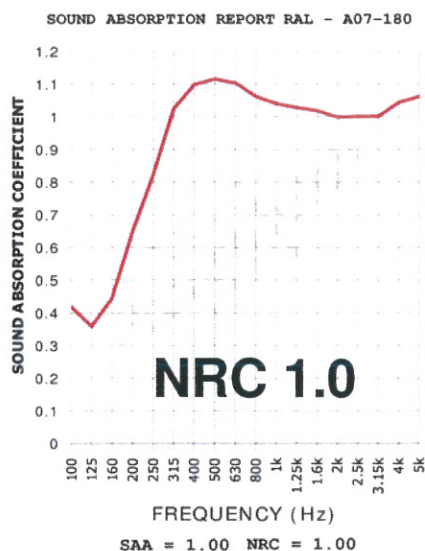
Day 1



**Appendix B:**  
Manufacturers Cut Sheet



## Industrial Model All Weather Sound Panel™ (Pat. Pend) Technical Data



Acoustiblok All Weather Sound Panels™ achieve high STC and NRC ratings. They have been specifically designed to withstand outdoor exposure in full sunlight, extreme weather conditions, and harsh industrial environments. (NRC of 1.0 is the highest sound absorption rating possible)

All Weather Sound Panels include an internal layer of U.L. classified Acoustiblok sound isolation material plus a specifically engineered 2" thick weather proof sound absorbing material.

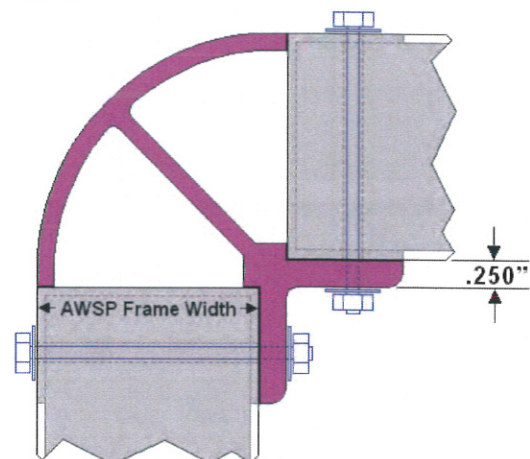
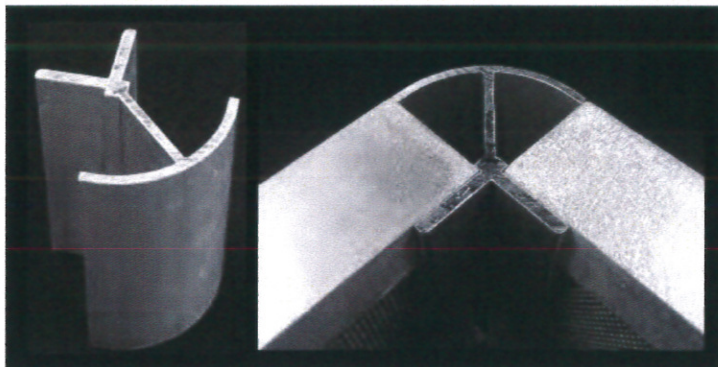
Specifications:		
NRC (Noise Reduction Coefficient):	1.00 *	Gross dimensions: up to 48" x 120" x 2.423", $\pm 0.125$ " custom sizes available on special order.
STC (Sound Transmission Class):	29 *	Frame construction: 0.125" welded corrosion resistant 6063-T5 aluminum, mill finish, eyelets: 0.375" (18 ea.)
Weight: (8' panel)	104 lbs	Front face: 0.040 corrosion resistant 5052-H32 aluminum alloy, 3/32" round holes staggered on 5/32" centers.
UL Std 723 fire resistance: Flame spread 0, smoke developed 0.		Back face: 0.032 corrosion resistant 5052-H32 aluminum alloy, mill finish.
UV tolerant, animal resistant, washable, does not support mold growth.		

\* Independent Testing by accredited NVLAP testing facility in compliance with ASTM E90, E 413, and other applicable industry standards.

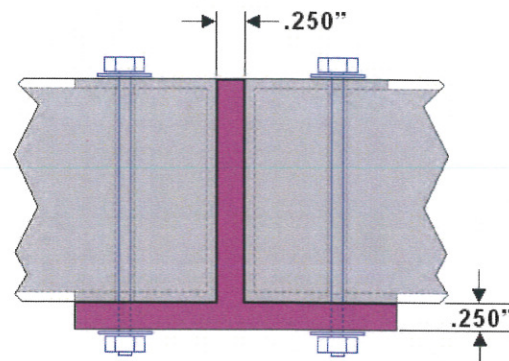
Subject to change without notice, contact Acoustiblok for details.

# All Weather Sound Panel Accessories

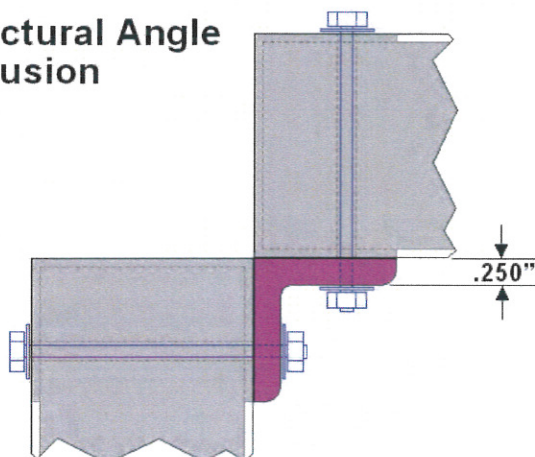
## .250" Custom Corner Connector Extrusion



## .250" Custom T-Bar Extrusion



## .250" Structural Angle Extrusion



## Stainless Steel Hardware Assembly

### Includes:

- (1) 3" x 1/4 - 20 Stainless Steel Bolt
- (1) 1/4" Stainless Steel Washer
- (1) 1/4" Stainless Steel Lock Washer
- (1) 1/4 - 20 Stainless Steel Nut

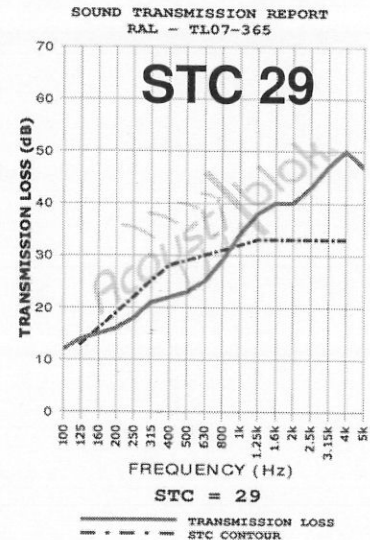
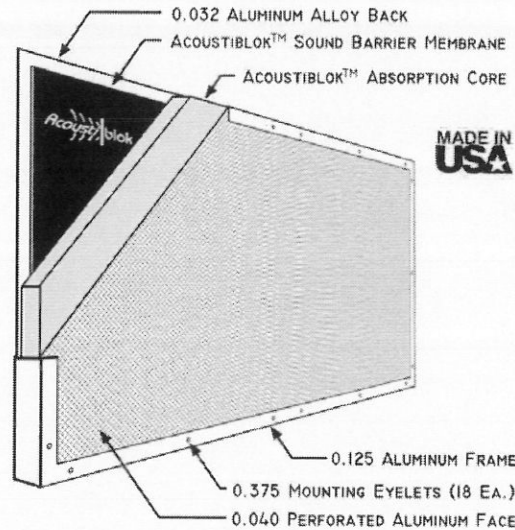
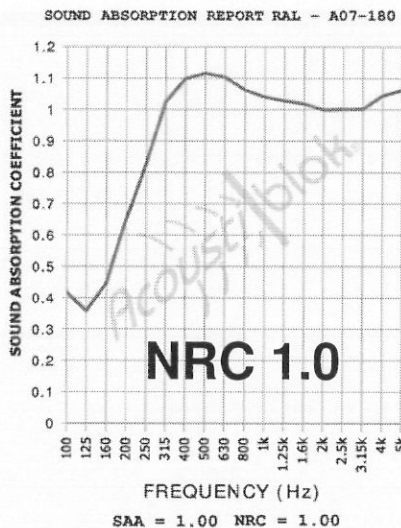
Also Available in 5/16" and 3/8"

ACOUSTIBLOK Inc. 6900 Interbay Blvd. Tampa, FL 33616 © LJ Avalon LLC 2010		REV. 0
Part name: AWSP Accessories		
Part Number: AWSP Accessories		
For:		
Drn by: V. Miko	Date: 03.11.2010	
Chk by:	Date:	
Appr. by:	Date:	
SPECIFICATIONS SUBJECT TO CHANGE WITHOUT NOTICE		

Sym	Revision Notes	Rev. by	Appr. by	Date



## Industrial Model All Weather Sound Panel™ (Pat. Pend) Technical Data



Acoustiblok All Weather Sound Panels™ achieve high STC and NRC ratings. They have been specifically designed to withstand outdoor exposure in full sunlight, extreme weather conditions, and harsh industrial environments. (NRC of 1.0 is the highest sound absorption rating possible)

All Weather Sound Panels include an internal layer of U.L. classified Acoustiblok sound isolation material plus a specifically engineered 2" thick weather proof sound absorbing material.

Specifications:		
NRC (Noise Reduction Coefficient):	1.00 *	Gross dimensions: up to 48" x 120" x 2.423", $\pm 0.125$ " custom sizes available on special order.
STC (Sound Transmission Class):	29 *	Frame construction: 0.125" welded corrosion resistant 6063-T5 aluminum, mill finish, eyelets: 0.375" (18 ea.)
Weight: (8' panel)	104 lbs	Front face: 0.040 corrosion resistant 5052-H32 aluminum alloy, 3/32" round holes staggered on 5/32" centers.
UL Std 723 fire resistance: Flame spread 0, smoke developed 0.		Back face: 0.032 corrosion resistant 5052-H32 aluminum alloy, mill finish.
UV tolerant, animal resistant, washable, does not support mold growth.		

\* Independent Testing by accredited NVLAP testing facility in compliance with ASTM E90, E 413, and other applicable industry standards.

Subject to change without notice, contact Acoustiblok for details.



- \* Increasing the STC to 33 (adds 16 oz. per sq. ' to weight)
- Powder Coating – Standard panels (16 sq. ft. and up) add \$15 per sq. ft.  
Example: 4' x 8' panel is 32 sq. ft. x \$15 = \$480 for powder coating the entire panel.
- 50% Acoustical louvered panels are same pricing times 2.5. 100% louvered panels are times 3. Louvers are all aluminum encased, approximately 1.25 in. thick with 1 in. between each. (Specifications differ from solid panels.)
- Stainless Steel Tie Straps (14 in. x .331 in.) - \$1.99 each.
- Stainless Steel Dust Filter (44 micron), add \$6 per sq. ft.
- Stainless Steel Dust Filter (5 micron), add \$23 per sq. ft.
- Perforation both sides for more absorption (less STC), add \$45.
- HW-SS 3/8" X 3.25" Stainless Steel Mounting Hardware (nut, bolt, washer & lock washer).
- ALUM PANEL T-BAR, 3.25 in. O.D. x 2.675 in. O.D. x .25 in. x 25 ft. length,
- 6063-T5, 42 lbs. - \$249 each or \$11 per linear ft. with a \$19 per cut charge
- ALUM CORNER RND 2.423" - \$13.75 per linear ft., \$19 per cut
- ALUM ANGLE, 2 in. x 2 in. x 1/4 in. \$6.75 per linear ft., \$19 per cut.



Acoustically absorbent louver



#### Portable Panel Carriage

- Complete mobility
- Sound gasket on bottom stops sound from going under panel
- Angled braces allow panels to be connected at 90% angles

#### TERMS

**Advance payment:** Check, cash, and wire transfer (buyer pays wire fee.)  
(Checks must clear before shipping.)

**Credit cards:** VISA, MC, Discover, American Express.

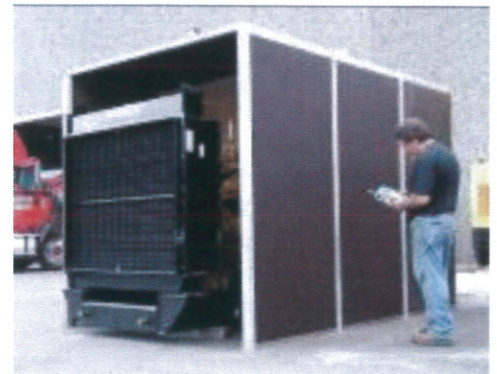
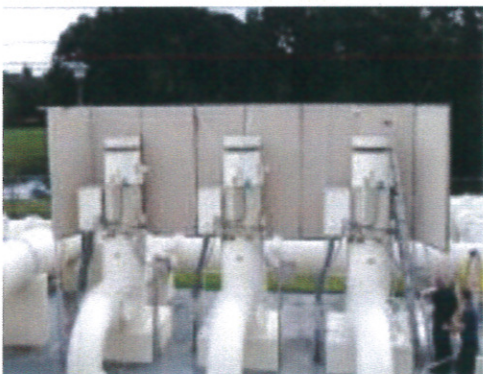
**Open Account:** Available for qualified applicants.

**Outside U.S.A.:** Wire transfer in advance (buyer pays wire fee).

A signed "Terms and Conditions of Sale" must be on file for shipment.

**FREIGHT – CLASS 85**  
**FOB: Tampa, FL 33616**

Additional freight charges for residential or lift-gate deliveries.





## Acoustiblok All Weather Sound Panels – Industrial Installations









## Acoustiblok All Weather Sound Panels – Residential Installations





**Appendix C:**  
SoundPLAN Input/Outputs

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## Assessed contribution level - Situation 1 - Outdoor SP

Source	Group	Source ty	Tr. lane	LrD dB(A)	A dB	
Receiver Receiver 1	FI G	LrD,lim	dB(A)	LrD	43.0 dB(A)	Sigma(LrD 0.0 dB(A)
	Default industrial noise	Point			43.0	0.0
Receiver Receiver 2	FI G	LrD,lim	dB(A)	LrD	46.7 dB(A)	Sigma(LrD 0.0 dB(A)
	Default industrial noise	Point			46.7	0.0
Receiver Receiver 3	FI G	LrD,lim	dB(A)	LrD	52.8 dB(A)	Sigma(LrD 0.0 dB(A)
	Default industrial noise	Point			52.8	0.0
Receiver Receiver 4	FI G	LrD,lim	dB(A)	LrD	42.8 dB(A)	Sigma(LrD 0.0 dB(A)
	Default industrial noise	Point			42.8	0.0
Receiver Receiver 4	FI F2	LrD,lim	dB(A)	LrD	44.3 dB(A)	Sigma(LrD 0.0 dB(A)
	Default industrial noise	Point			44.3	0.0
Receiver Receiver 5	FI G	LrD,lim	dB(A)	LrD	37.7 dB(A)	Sigma(LrD 0.0 dB(A)
	Default industrial noise	Point			37.7	0.0

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## Contribution spectra - Situation 1 - Outdoor SP

Source	Time slice	Sum	Receive Receiver 1																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																		
			FI	G	LrD	Lrr	dB(A)	LrC	43.0	dB(A)	LrC	0	dB(A)	Signal	LrC	0.0	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)

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Octave spectra of the sources in dB(A) - Situation 1 - Outdoor SP

Name	Source type	I or A	Li	Rw	Lw	Lw	KI	KT	LwMax	DO-Wall	Day histogram	Emission spectrum	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz	16kHz
		m.m²	dB(A)	dB	dB(A)	dB(A)	dB	dB	dB(A)	dB(A)			dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)
	Point				93.0	93.0	0.0	0.0		0	100%/24h	Protovest Silenced	73.2	73.1	77.1	87.5	86.5	87.1	84.7	78.5	67.1

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**Appendix D:**  
Construction Noise Modeling Output

Receptor - Residence to the North and West

A	B	C	D	E	F	G	H	I	J
Construction Phase Equipment Item	# of Items	Item Lmax at 50 feet, dBA	Dist. To Recptr.	Item Usage Percent	Usage Factor	Dist. Correction dB	Usage Adj. dB	Recptr. Item Lmax, dBA	Recptr. Item Leq, dBA
DEMO									
1. Backhoe	1	90	50	2	0.02	0.0	-17.0	90.0	73.0
2. Truck	1	95	50	16	0.16	0.0	-8.0	95.0	87.0
							Log Sum	96.2	87.2
GRADE									
1. Backhoe	1	90	50	4	0.04	0.0	-14.0	90.0	76.0
							Log Sum	90.0	76.0
BASE									
1. Concrete Mixer (small trailer)	1	68	50	4	0.04	0.0	-14.0	68.0	54.0
2. Pneumatic Tool	1	88	50	4	0.04	0.0	-14.0	88.0	74.0
3. Pump	1	80	50	7	0.07	0.0	-11.5	80.0	68.5
4. Saw, Electric	1	80	50	4	0.04	0.0	-14.0	80.0	66.0
							Log Sum	89.2	75.6
BUILD									
1. Air Compressor (portable)	1	89	50	10	0.10	0.0	-10.0	89.0	79.0
2. Generator	1	87	50	4	0.04	0.0	-14.0	87.0	73.0
3. Pneumatic Tool	1	88	50	10	0.10	0.0	-10.0	88.0	78.0
4. Saw, Electric	1	80	50	10	0.10	0.0	-10.0	80.0	70.0
							Log Sum	93.1	82.4
FINISH									
1. Air Compressor (portable)	1	89	50	25	0.25	0.0	-6.0	89.0	83.0
2. Generator	1	87	50	4	0.04	0.0	-14.0	87.0	73.0
3. Pneumatic Tool	1	88	50	4	0.04	0.0	-14.0	88.0	74.0
4. Paver	1	92	50	3	0.03	0.0	-15.2	92.0	76.8
5. Concrete Mixer (small trailer)	1	68	50	16	0.16	0.0	-8.0	68.0	60.0
6. Truck	1	95	50	16	0.16	0.0	-8.0	95.0	87.0
7. Roller	1	83	50	4	0.04	0.0	-14.0	83.0	69.0
							Log Sum	98.4	89.1



**VIBRATION LEVEL IMPACT**

Project: 1203 N MaClay Service Station &amp; Car Wash

Date: 1/8/19

Source: Truck

Scenario: Unmitigated

Location: Project Site

Address:

 $PPV = PPV_{ref}(25/D)^n$  (in/sec)**DATA INPUT**

Equipment =

4

Loaded Trucks

INPUT SECTION IN BLUE

Type

PPVref =

0.076

Reference PPV (in/sec) at 25 ft.

D =

50.00

Distance from Equipment to Receiver (ft)

n =

1.50

Vibration attenuation rate through the ground

Note: Based on reference equations from Vibration Guidance Manual, California Department of Transportation, 2006, pgs 38-43.

**DATA OUT RESULTS**

PPV =

0.027

IN/SEC

OUTPUT IN RED

### VIBRATION LEVEL IMPACT

Project: 1203 N MaClay Service Station & Car Wash

Date: 1/8/19

Source: Truck

Scenario: Unmitigated

Location: Project Site

Address:

PPV =  $PPV_{ref}(25/D)^n$  (in/sec)

### DATA INPUT

Equipment = 1 Vibratory Roller INPUT SECTION IN BLUE  
Type

PPVref = 0.21 Reference PPV (in/sec) at 25 ft.

D = 50.00 Distance from Equipment to Receiver (ft)

n = 1.50 Vibration attenuation rate through the ground

Note: Based on reference equations from Vibration Guidance Manual, California Department of Transportation, 2006, pgs 38-43.

### DATA OUT RESULTS

PPV = 0.074 IN/SEC OUTPUT IN RED

**CITY OF SAN FERNANDO PUBLIC WORKS DEPARTMENT  
DEVELOPMENT / IMPROVEMENT REVIEW CHECK LIST**

PROJECT: SPR 2019-02

Gas Station, Retail Store, Car Wash

DATE: 2/6/19

PROJECT ADDRESS: <u>1203 N. Maclay Avenue</u>					
ITEM		REQUIRED?		COMPLIED?	COMMENTS
		YES	NO		
1.	Site plan must show:				
	a. Existing building or structure	✓			
	b. Existing public improvements (concrete sidewalk driveways, curbs and gutters, parkway trees, street lights, hydrants, etc.) including existing and proposed dimensions, square footage, etc.	✓			
	c. Existing utilities (gas, sewer, water, storm drains, catch basins, power poles).	✓			
2.	Submit offsite improvement plan.		✓		
3.	Prior to issuance of building permit:				
	a Pay sewer capital facility charge.	✓			<i>Based on</i> <i>Gas Station:</i> \$3,165* <i>Retail Store:</i> <i>2,300 s.f. x \$527/1,000* s.f. = \$1,212.10*</i> <i>Car Wash:</i> <i>920 sf x (\$3,164/1000)* s.f. = \$2,910.88*</i> <i>: \$7,287.98*</i>  <i>Credit:</i> <i>Repair Station:</i> <i>1,125 x \$3,164/1,000*s.f.= \$3,559.50*</i> <i>Total: \$3,728.48*</i>
	b Pay water capital facility charge.		✓		Existing 1 inch water meter. Unless a larger or additional water meter is required. See attached fee schedule for additional water meters or upgrades.
	c Pay water service installation charge.		✓		Existing 1 inch water meter. Unless a larger or additional water meter is required. See attached fee schedule for additional water meters or upgrades.
	d Pay fire service installation deposit.		✓		Unless a fire service is required. See attached fee schedule for additional water meters or upgrades.
	e Pay fire hydrant installation deposit.		✓		Unless City of Los Angeles Fire Department requires one for proposed development.
	f Pay plan check fee (Offsite).	✓			
	g Pay inspection fee (Offsite).	✓			
	h Provide labor and material bond.		✓		
	i Provide performance bond.		✓		
4.	Is there existing sewer house connection to property?	✓			Yes, property has existing private sewer lateral connection on Eighth Street. Please see attached map.
5.	Is there existing water service to the property?	✓			Yes, property has existing 1 inch water meter on Eighth Street.
6.	Provide separate water service for each building or separate ownership.	✓			
7.	Provide separate sewer connection for each building.	✓			

**PROJECT ADDRESS: 1203 N. Maclay Avenue**

ITEM		REQUIRED?		COMPLIED?	COMMENTS
		YES	NO		
8.	Underground all utilities to each unit/building.	✓			<i>Underground all lighting and utilities.</i>
9.	Cap off existing sewer connection that will no longer be used.	✓			
10.	Abandon all existing water service and install new copper ones per plan.		✓		
11.	Upgrade existing substandard hydrant to 6-inch wet barrel hydrant (4"X 2.5" outlet).		✓		<i>Unless City of Los Angeles Fire Department requires it for proposed development.</i>
12.	Install new hydrant per City standard.		✓		<i>Unless City of Los Angeles Fire Department requires one for proposed development</i>
13.	Satisfy City of Los Angeles Fire Dept. fire flow requirements.	✓			<i>Obtain clearance from City of Los Angeles Fire Department.</i>
14.	Provide City approved backflow device for the domestic water service and/or landscape irrigation, provide proof that said equipment has been tested by a certified tester.	✓			<i>Provide <u>one</u> backflow device for every water service. Provide <u>additional</u> backflow device for irrigation/landscaping.</i>
15.	Remove existing driveway approach that will no longer be used. Replace depressed curb.	✓			<i>Remove driveways on Eighth Street and Maclay Avenue that will no longer be used and construct new sidewalk/parkway.</i>
16.	Construct PCC driveway approach 6-inch thick per City Standard.	✓			<i>Construct new driveways on Eighth Street and Maclay Avenue per City Standards.</i>
17.	Construct wheel chair ramp per City Standard.	✓			<i>Construct <u>2 curb ramps with yellow truncated domes</u> (embedded in concrete) at the n/w and n/e corners of Eighth Street and Maclay Avenue per attached City Standards</i>
18.	Remove and replace broken/damaged concrete sidewalk adjacent to property.	✓			
19.	Remove and replace broken curb/gutter adjacent to property.	✓			
20.	Plant parkway trees per City Standard and City Master Tree Plan. (24" box)	✓			<i>Plant <u>4 Magnolia Grandiflora</u> parkway trees on Eighth Street and <u>4 Magnolia Grandiflora</u> parkway trees on Maclay Avenue. Developer shall provide irrigation to each parkway tree.</i>
21.	Construct tree wells per City Standard with <u>tree grates</u> .	✓			<i>Please see attached City Tree Planting Standard.</i>
22.	A permit from the Public Works Dept. (Engineering Division) is required for all offsite improvements or water and sewer connections in City.	✓			
23.	All on-site pavement shall be minimum of 3-inch AC on 4 inch CAB or 6-inch PCC pavement without soil recommendation.	✓			
24.	Construct trash enclosure, nominal size 5 feet X 9 feet with PCC slab and 6-inch PCC curb with 6-inch PCC apron.	✓			
25.	Verify that clarifier/grease trap intercepts effluent before entry into the sewer lateral.	✓			<i>Obtain clearance from Los Angeles County of Industrial Waste or comply with their requirements.</i>
26.	Federal NPDES Requirements				
	a. Provide a Storm Water Pollution Prevention Plan (SWPPP) that incorporates construction BMP's in compliance with Federal NPDES.	✓			
	b. Provide a Storm Urban Water Mitigation Plan (SUSMP) that incorporates design elements and facility BMP's in compliance with Federal NPDES.	✓			



PROJECT ADDRESS: 1203 N. Maclay Avenue

ITEM		REQUIRED?		COMPLIED?	COMMENTS
		YES	NO		
27.	Comply with all applicable existing conditions of approval for the proposed development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
28.	<p>Additional requirements:</p> <p><b><i>*Sewer and Water Capital and Installation fees are subject to change. The latest fee will be assessed prior to sign off for building permit.</i></b></p> <ul style="list-style-type: none"><li>• Submit <b>off site improvement plan</b> with <b>quantities</b> and <b>cost estimate</b>, but not limited to, roadway, striping, street tree and street lighting.</li><li>• Submit <b>Grading and Drainage plan</b> for on-site as well as elevations along the adjacent lots and transitions zones.</li><li>• Submit water and sewer study to ensure current systems meet proposed developments future demands. Developer's engineer should provide calculations to show number and size of water meters required to meet developments demand.</li><li>• Submit <b>Soils Report</b> for on-site.</li><li>• Submit <b>Utility Plan</b> showing <u><b>all existing public utilities, easements and any proposed relocations/realignments.</b></u> Also show any proposed relocation of water service, water meter, and fire hydrant.</li><li>• Submit <b>ALTA survey</b> and incorporate as part of the project drawings.</li><li>• Submit <b>Water and Sewer</b> study to ensure current systems meet proposed developments future demand. Developer's registered engineer should provide calculations to show number and size of water meters required to meet developments demand.</li><li>• Provide a <b>Traffic Study</b>, evaluating adequacy of the existing roadway configuration for the projected traffic, as well as any proposed mitigations.</li><li>• Due to utility maintenance and accessibility, no structures may be constructed and no shrubs/trees may be planted in City Easement.</li><li>• The developer is responsible for protecting in place all existing street trees. <b>All street tree removal, pruning and trimming is not allowed without the consent of the Director of Public Works or his representative.</b> All tree replacements shall be at the discretion of the Director of Public Works or his representative per the current City replacement policy.</li><li>• Satisfy NPDES.</li></ul>				

  
PUBLIC WORKS DEPARTMENT

2/6/12  
DATE





**MEETING DATE:** April 3, 2019

**COMMISSION CONSIDERATION:**

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 No. 2019-007 recommending to the City Council adoption of the proposed Urgency Ordinance No. 1687 attached as Exhibit “1” amending the San Fernando Municipal Code to establish updated regulations and procedures related to wireless telecommunications facilities, and recommending City Council approval of related policy guidelines as presented... (Roll Call Vote)

b. To Deny:

“I move to recommend denial of Zoning Text Amendment 2019-001 based on the following...” (Roll Call Vote)

c. To Continue:

“I move to continue consideration of Zoning Text Amendment 2019-001, to the following date...” (Roll Call Vote)

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

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

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

**NEW BUSINESS ITEM 2:  
Zoning Text Amendment 2019-001**







## AGENDA REPORT

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

**From:** Timothy T. Hou, AICP, Director of Community Development

**Date:** April 3, 2019

**Subject:** **Consideration of a Code Amendment Amending Chapter 106 of the San Fernando Municipal Code to Establish Updated Standards and Regulatory Processes Related to Wireless Telecommunications Facilities**

**Proposal:** The proposed Code Amendment would amend Division 13 (Wireless Telecommunications Facilities) of Article VI (General Regulations) of Chapter 106 (Zoning) of the San Fernando Municipal Code to establish updated regulations and procedures related to wireless telecommunications facilities.

**Applicant:** City of San Fernando

**Location:** Citywide

### **RECOMMENDATION:**

It is recommended that, subsequent to City staff's presentation and consideration of any public comment, the Planning and Preservation Commission ("Commission") approve Resolution No. 2019-007 (Attachment "A") recommending to the City Council adoption of the proposed Urgency Ordinance No. 1687 attached as Exhibit "1" amending the San Fernando Municipal Code to establish updated regulations and procedures related to wireless telecommunications facilities, and recommending City Council approval of related policy guidelines as presented in Attachment "C."

### **BACKGROUND:**

1. On December 5, 2005, the City of San Fernando (the "City") adopted Ordinance No. 1569 establishing standards for the development and placement of wireless telecommunications facilities.
2. On August 2, 2018, the United States Federal Communications Commission ("FCC") adopted a declaratory ruling that formally prohibited express and de facto moratoria for all telecommunications services and facilities under 47 U.S.C. § 253(a) and directed the

Wireline Competition Bureau and the Wireless Telecommunications Bureau to hear and resolve all complaints on an expedited basis.

3. On September 26, 2018, the FCC adopted a declaratory ruling, report, and order (the “FCC Order”), which is effective as of January 14, 2019, and, among other things, creates a new regulatory classification for small wireless facilities, requires state and local governments to process applications for small wireless facilities within sixty (60) days or ninety (90) days, establishes a national standard for an effective prohibition and provides that a failure to act within the applicable timeframe presumptively constitutes an effective prohibition.
4. On March 21, 2019, a public hearing notice was published in the print and online versions of the legal advertisement section of the *San Fernando Valley Sun Newspaper* (Attachment “B”) and posted at the two City Hall bulletins regarding this public hearing of April 3, 2019.

#### **ANALYSIS:**

In response to the FCC Order that took effect on January 14, 2019, the proposed Urgency Ordinance (Exhibit “1”) would amend Division 13 (Wireless Telecommunications Facilities) of Article VI (General Regulations) of Chapter 106 (Zoning) of the San Fernando Municipal Code to authorize the City’s establishment of regulations in compliance with the FCC Order through City Council resolution.

The City’s regulations on wireless telecommunications facilities that were adopted in 2005 did not include a reference to small wireless facilities. Small wireless facilities, per the FCC definition, are facilities that meet each of the following conditions:

- (1) The facilities—
  - i. Are mounted on structures 50 feet or less in height including their antennas as defined in § 1.1320(d); or
  - ii. Are mounted on structures no more than 10 percent taller than other adjacent structures; or
  - iii. Do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;
- (2) Each antenna associated with the deployment, excluding associated antenna equipment, is no more than three cubic feet in volume;
- (3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;
- (4) The facilities do not require antenna structure registration under part 17 of this chapter;
- (5) The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and

(6) The facilities do not result in human exposure to radiofrequency radiation in excess of

the applicable safety standards specified in § 1.1307(b).

[47 C.F.R. § 1.6002(f)]

Instead, the City's regulations focused on large scale "macro" wireless facilities prevalent at the time. Over the past several years, however, smaller "micro" wireless facilities have become an increasingly important component of the telecommunications network providing cellular and data service to the world's connected devices.

The proposed Urgency Ordinance would establish by resolution specific regulations and protocols for the City's evaluation and permitting of requests for these small wireless facilities to ensure that the City complies with applicable shot clock deadlines and other mandates from the FCC Order, including limitations on regulatory and proprietary fees. It would establish the addition of a new Subdivision V regarding small wireless facilities and would ordain that all small wireless facilities are subject to a permit, as specified in a City Council policy to be adopted by City Council resolution. The draft City policy guideline is attached as a reference (Attachment "C"), and will be scheduled for upcoming City Council consideration.

#### **ENVIRONMENTAL DETERMINATION:**

The proposed Code Amendment and Urgency Ordinance are exempt from California Environmental Quality Act (CEQA) pursuant to the State CEQA Guidelines Section 15061(b)(3) under the general rule that CEQA does not apply to activities which can be seen with certainty to have no effect on the environment. The proposed actions would not create any environmental impacts, therefore no additional action under CEQA is required.

#### **CONCLUSION:**

Subsequent to the presentation and consideration of any public comment, staff recommends that the Commission approve Resolution No. 2019-007 recommending to the City Council adoption of the proposed Urgency Ordinance No. 1687 to establish updated standards and regulatory processes related to wireless communications facilities, and City Council approval of related policy guidelines as presented in Attachment "C." The next step in the implementation would then be City Council consideration of the Wireless Telecommunications Facilities Urgency Ordinance and related policy guidelines.

#### **ATTACHMENTS:**

A. Resolution No. 2019-007 and Urgency Ordinance No. 1687, attached as Exhibit "1"

- B. Notice of Public Hearing
- C. Draft Policy Guidelines for Small Wireless Facilities



**RESOLUTION NO. 2019-007**

**A RESOLUTION OF THE PLANNING AND PRESERVATION COMMISSION OF THE CITY OF SAN FERNANDO RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF SAN FERNANDO APPROVAL OF AN URGENCY ORDINANCE AMENDING DIVISION 13 (WIRELESS TELECOMMUNICATIONS FACILITIES) OF ARTICLE VI (GENERAL REGULATIONS) OF CHAPTER 106 (ZONING) OF THE SAN FERNANDO MUNICIPAL CODE TO ESTABLISH UPDATED REGULATIONS AND PROCEDURES RELATED TO WIRELESS COMMUNICATIONS FACILITIES IN ACCORDANCE WITH STATE AND FEDERAL LAWS AND REGULATIONS, AND RECOMMENDING COUNCIL APPROVAL OF RELATED POLICY GUIDELINES**

**WHEREAS**, pursuant to California Constitution Article XI, Section 7, the City of San Fernando (the “City”) has the authority to enact local planning and land use regulations to protect the public health, safety, and welfare of their residents through its police power;

**WHEREAS**, the City’s police power provides the right to adopt and enforce zoning regulations;

**WHEREAS**, state and federal law do not vest local governments with complete control over the regulation of wireless communications facilities, such as macro cell towers or so-called small cells,

**WHEREAS**, wireless service providers must apply to cities and counties for permits to build structures that support wireless telecommunications equipment, like antennae and related devices;

**WHEREAS**, wireless carriers must seek local approval to place additional telecommunications equipment on structures and facilities where that equipment already exists, which are referred to as collocations;

**WHEREAS**, California cities are preempted from regulating various aspects of wireless communications facilities siting, under both federal and state law;

**WHEREAS**, federal law establishes specified limitations and preemptions in relation to the siting of wireless communications facilities as part of the Federal Telecommunications Act of 1996 (47 U.S.C. § 332);

**WHEREAS**, federal law provides that no state or local statute or regulation, or other state or local requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service (47 U.S.C. § 253);

**WHEREAS**, federal law also provides that a state or local government may not deny, but shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such a tower or base station (47 U.S.C. § 1455(a));

**WHEREAS**, Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 (“Section 6409”) mandates that state or local government approve certain wireless communications facilities siting requests for modifications and collocations of wireless transmissions equipment on an existing tower or base station that do not result in a substantial change to the physical dimensions of such tower or base station;

**WHEREAS**, in October 2014, the Federal Communications Commission unanimously approved rules interpreting Section 6409 that took effect as of April 2015;

**WHEREAS**, under state law, a wireless collocation facility must be a permitted use, not subject to a local discretionary permit, if it satisfies certain requirements (Gov. Code, § 65850.6);

**WHEREAS**, under California Senate Bill 1627, local governments are required to approve collocations through a ministerial process and are prohibited from limiting the duration of permits for wireless sites to less than 10 years, absent good reason;

**WHEREAS**, federal and state laws impose various so-called “shot clocks” for periods that can lead to projects being deemed approved if not approved or denied within the applicable time frame;

**WHEREAS**, telecommunications companies have access to attach their equipment to utility poles in the public right-of-way, governed by a set of state and federal regulations;

**WHEREAS**, this method of attachment is increasingly popular as such companies seek to deploy so-called 5G network technology;

**WHEREAS**, state law establishes a framework, process, and procedures governing the attachment of telecommunications facilities to investor-owned utility poles and municipal utility poles, providing the California Public Utilities Commission (CPUC) the authority to establish and enforce rates, terms and conditions for pole attachments;

**WHEREAS**, telecommunications companies are authorized to erect poles and attach to investor-owned and municipal utility poles under specified cost-based rates (Pub. Util. Code, § 7901);

**WHEREAS**, local governments may not block utility pole attachments, but existing law authorizes them to regulate the time, manner, and place of pole attachments in the public right-of-way (Pub. Util. Code, § 7901.1);

**WHEREAS**, these local regulations are the vehicle for local police power/regulation;

**WHEREAS**, significant changes in federal and state law that affect local authority over wireless communications facilities (“WCFs”) have occurred, including but not limited to the following:

1. On August 2, 2018, the United States Federal Communications Commission (“FCC”) adopted a declaratory ruling that formally prohibited express and de facto moratoria for all telecommunications services and facilities under 47 U.S.C. § 253(a) and directed the Wireline Competition Bureau and the Wireless Telecommunications Bureau to hear and resolve all complaints on an expedited basis;
2. On September 26, 2018, the FCC adopted a declaratory ruling and report and order—which is effective as of January 14, 2019—that, among other things, creates a new regulatory classification for small wireless facilities, requires state and local governments to process applications for small wireless facilities within sixty (60) days or ninety (90) days, establishes a national standard for an effective prohibition and provides that a failure to act within the applicable timeframe presumptively constitutes an effective prohibition;

**WHEREAS**, given the rapid and significant changes in federal and state law, the actual and effective prohibition on moratoria to amend local policies in response to such changes and the significant adverse consequences for noncompliance with federal and state law, the City Council desires to adopt the proposed policy to allow greater flexibility and responsiveness to new federal and state laws in order to preserve the City’s traditional authority to the maximum extent practicable;

**WHEREAS**, in addition to the changes described above, new federal laws and regulations that would drastically alter local authority over WCFs are currently pending, including without limitation, the following:

- A. On June 28, 2018, United States Senator John Thune introduced and referred to the Senate Committee on Commerce, Science and Transportation the “STREAMLINE Small Cell Deployment Act” (S. 3157) that, among other things, would apply specifically to small cell WCFs and require local governments to review applications based on objective standards, shorten the applicable timeframes for review, require all proceedings to occur within such timeframes, and provide a “deemed granted” remedy for a failure to act within the applicable timeframe;
- B. On March 30, 2017, the FCC issued a Notice of Proposed Rulemaking (WT Docket No. 17-79, WC Docket No. 17-84) and has acted on some of the noticed issues referenced above, but may adopt forthcoming rulings and/or orders that further limit local authority over wireless facilities deployment;

**WHEREAS**, the Planning and Preservation Commission conducted a duly noticed public hearing on \_\_\_\_\_, 2019 concerning the prospective approval of Urgency Ordinance No. \_\_\_\_\_;

**WHEREAS**, evidence, both written and oral, was duly presented to and considered by the Planning and Preservation Commission at such public hearing;

**WHEREAS**, after the close of such public hearing, the Planning and Preservation Commission considered all public comments received both before and during the public hearing, the presentation by City staff, the relevant staff report, and all other pertinent documents regarding the proposed Urgency Ordinance No. 1687.

**NOW, THEREFORE, THE PLANNING AND PRESERVATION COMMISSION OF THE CITY OF SAN FERNANDO, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DOES HEREBY FIND, DETERMINE, AND RESOLVE AS FOLLOWS:**

**SECTION 1.** That the facts set forth in the recitals above are true and correct.

**SECTION 2.** That this resolution constitutes the required written recommendation to the City Council in accordance with Government Code Section 65855.

**SECTION 3.** That pursuant to due notice as required by law, a full and fair public hearing was held by and before this Planning and Preservation Commission at a meeting on \_\_\_\_\_, 2019, at which time, all interested persons were given full opportunity to be heard and present evidence.

**SECTION 4.** Findings.

- A. Urgency Ordinance No. 1687 is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) under the general rule that CEQA does not apply to activities which can be seen with certainty to have no effect on the environment. The proposed actions would not create any environmental impacts, therefore no additional action under CEQA is required.
- B. The Planning and Preservation Commission finds that Urgency Ordinance No. \_\_\_\_\_ is consistent with the General Plan because it: (1) ensures consistency with federal and state laws and regulations; (2) promotes the aesthetic integrity of the City's character by engaging time, place, and manner regulations that are tailored to the City's zoning and land use preferences; (3) protects the public safety by ensuring compliance with federal radio frequency (RF) waves regulations; (4) enhances the public convenience, health, interest, safety, or welfare by maximizing the City's police power controls over the deployment of wireless facilities within the parameters of federal and state laws and regulations.

**SECTION 5.** Based upon the conclusions in the recitals and findings set forth above, the Planning and Preservation Commission recommends that the City Council approve Urgency Ordinance No. 1687 attached hereto as Exhibit "1," and related policies the form of which are attached hereto as Attachment "C."

**SECTION 6.** The Secretary of the Planning and Preservation Commission of the City of San Fernando, California, shall certify to the adoption of this resolution and shall forward a copy of such resolution to the City Clerk to allow for prompt City Council consideration.



**PASSED, APPROVED, AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2019.

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CHAIRPERSON ALVIN DURHAM

**ATTEST:**

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TIMOTHY T. HOU, AICP, SECRETARY TO THE PLANNING  
AND PRESERVATION COMMISSION

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

I, TIMOTHY T. HOU, Secretary to the Planning and Preservation Commission of the City of San Fernando, do hereby certify that the foregoing Resolution was duly adopted by the Planning and Preservation Commission and signed by the Chairperson of said City at a meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2019; and that the same was passed by the following vote, to wit

AYES:

NOES:

ABSENT:

ABSTAIN:

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TIMOTHY T. HOU, AICP, SECRETARY TO THE PLANNING  
AND PRESERVATION COMMISSION

**URGENCY ORDINANCE NO. 1687**

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF  
THE CITY OF SAN FERNANDO, CALIFORNIA,  
AMENDING DIVISION 13 (WIRELESS  
TELECOMMUNICATIONS FACILITIES) OF ARTICLE VI  
(GENERAL REGULATIONS) OF CHAPTER 106 (ZONING)  
OF THE SAN FERNANDO MUNICIPAL CODE TO  
ESTABLISH UPDATED REGULATIONS AND  
PROCEDURES RELATED TO WIRELESS  
COMMUNICATIONS FACILITIES, AND DECLARING THE  
URGENCY THEREOF, IN ACCORDANCE WITH  
GOVERNMENT CODE SECTIONS 36934 AND 36937**

**WHEREAS**, pursuant to California Constitution Article XI, Section 7, the City of San Fernando (the “City”) has the authority to enact local planning and land use regulations to protect the public health, safety, and welfare of their residents through its police power;

**WHEREAS**, the City’s police power provides the right to adopt and enforce zoning regulations;

**WHEREAS**, state and federal law do not vest local governments with complete control over the regulation of wireless communications facilities, such as macro cell towers or so-called small cells;

**WHEREAS**, wireless service providers must apply to cities and counties for permits to build structures that support wireless telecommunications equipment, like antennae and related devices;

**WHEREAS**, wireless carriers must seek local approval to place additional telecommunications equipment on structures and facilities where that equipment already exists, which are referred to as collocations;

**WHEREAS**, California cities are preempted from regulating various aspects of wireless communications facilities siting, under both federal and state law;

**WHEREAS**, federal law establishes specified limitations and preemptions in relation to the siting of wireless communications facilities as part of the Federal Telecommunications Act of 1996 (47 U.S.C. § 332);

**WHEREAS**, federal law provides that no state or local statute or regulation, or other state or local requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service (47 U.S.C. § 253);

**WHEREAS**, federal law also provides that a state or local government may not deny, but shall approve, any eligible facilities request for a modification of an existing wireless tower or

base station that does not substantially change the physical dimensions of such a tower or base station (47 U.S.C. § 1455(a));

**WHEREAS**, Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 (“Section 6409”) mandates that state or local government approve certain wireless communications facilities siting requests for modifications and collocations of wireless transmissions equipment on an existing tower or base station that do not result in a substantial change to the physical dimensions of such tower or base station;

**WHEREAS**, in October 2014, the Federal Communications Commission (FCC) unanimously approved rules interpreting Section 6409 that took effect as of April 2015;

**WHEREAS**, under state law, a wireless collocation facility must be a permitted use, not subject to a local discretionary permit, if it satisfies certain requirements (Gov. Code, § 65850.6);

**WHEREAS**, under California Senate Bill 1627, local governments are required to approve collocations through a ministerial process and are prohibited from limiting the duration of permits for wireless sites to less than 10 years, absent good reason;

**WHEREAS**, federal and state laws impose various so-called “shot clocks” for periods that can lead to projects being deemed approved if not approved or denied within the applicable time frame;

**WHEREAS**, telecommunications companies have access to attach their equipment to utility poles in the public right-of-way, governed by a set of state and federal regulations;

**WHEREAS**, this method of attachment is increasingly popular as such companies seek to deploy so-called 5G network technology;

**WHEREAS**, state law establishes a framework, process, and procedures governing the attachment of telecommunications facilities to investor-owned utility poles and municipal utility poles, providing the California Public Utilities Commission (CPUC) the authority to establish and enforce rates, terms and conditions for pole attachments;

**WHEREAS**, telecommunications companies are authorized to erect poles and attach to investor-owned and municipal utility poles under specified cost-based rates (Pub. Util. Code, § 7901);

**WHEREAS**, local governments may not block utility pole attachments, but existing law authorizes them to regulate the time, manner, and place of pole attachments in the public right-of-way (Pub. Util. Code, § 7901.1);

**WHEREAS**, these local regulations are the vehicle for local police power/regulation;

**WHEREAS**, significant changes in federal and state law that affect local authority over wireless communications facilities (“WCFs”) have occurred, including but not limited to the following:

- On August 2, 2018, the United States Federal Communications Commission (“FCC”) adopted a declaratory ruling that formally prohibited express and de facto moratoria for all telecommunications services and facilities under 47 U.S.C. § 253(a) and directed the Wireline Competition Bureau and the Wireless Telecommunications Bureau to hear and resolve all complaints on an expedited basis;
- On September 26, 2018, the FCC adopted a declaratory ruling and report and order—which is effective as of January 14, 2019—that, among other things, creates a new regulatory classification for small wireless facilities, requires state and local governments to process applications for small wireless facilities within sixty (60) days or ninety (90) days, establishes a national standard for an effective prohibition and provides that a failure to act within the applicable timeframe presumptively constitutes an effective prohibition;

**WHEREAS**, given the rapid and significant changes in federal and state law, the actual and effective prohibition on moratoria to amend local policies in response to such changes and the significant adverse consequences for noncompliance with federal and state law, the City Council desires to amend the San Fernando Municipal Code, to allow greater flexibility and responsiveness to new federal and state laws in order to preserve the City’s traditional authority to the maximum extent practicable;

**WHEREAS**, in addition to the changes described above, new federal laws and regulations that would drastically alter local authority over WCFs are currently pending, including without limitation, the following:

- On June 28, 2018, United States Senator John Thune introduced and referred to the Senate Committee on Commerce, Science and Transportation the “STREAMLINE Small Cell Deployment Act” (S. 3157) that, among other things, would apply specifically to small cell WCFs and require local governments to review applications based on objective standards, shorten the applicable timeframes for review, require all proceedings to occur within such timeframes, and provide a “deemed granted” remedy for a failure to act within the applicable timeframe;
- On March 30, 2017, the FCC issued a Notice of Proposed Rulemaking (WT Docket No. 17-79, WC Docket No. 17-84) and has acted on some of the noticed issues referenced above, but may adopt forthcoming rulings and/or orders that further limit local authority over wireless facilities deployment;

**WHEREAS**, the City Council public hearing to consider this Resolution was noticed in accordance with the publication requirements set forth in Government Code Section 65090;

**WHEREAS**, Government Code Sections 36934 and 36937 authorize the City to adopt an Urgency Ordinance for the immediate preservation of the public peace, health, or safety.

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



**SECTION 1.** The recitals above are true and correct and incorporated herein by reference.

**SECTION 2. Urgency Findings.**

- A. State and federal law have changed substantially since the City last adopted regulations for wireless facility installations in the City.
- B. The City lacks updated regulations as to wireless facilities in the public right-of-way and the management of applicable “shot clocks” that govern the time in which the City must approve or deny a wireless facility application.
- C. State and federal law requires local governments to act on permit applications for wireless facilities within a prescribed time period and may automatically deem an application approved when a failure to act occurs.
- D. The expeditious adoption of wireless facilities regulations are necessary to protect the City’s visual character from potential adverse impacts or visual blight created or exacerbated by telecommunications infrastructure and promote access to high-quality, advanced telecommunication services for the City’s residents, businesses and visitors.
- E. The adoption of this Urgency Ordinance is necessary to preserve the public health, safety, and welfare as, without such adoption, wireless facilities approved without updated regulations could create:
  - 1. Land use conflicts and incompatibilities between comparable facilities;
  - 2. Visual and aesthetic blight and public safety concerns arising from the excessive size, noise, or lack of camouflaging of wireless facilities; and
  - 3. Traffic and pedestrian safety hazards due to the unsafe siting of wireless facilities.

**SECTION 3.** Reserved Sections 106-1380–106-1382 of Subdivision IV (Monitoring, Transfer, and Revocation) of Division 13 (Wireless Telecommunications Facilities) of Article VI (General Regulations) of Chapter 106 (Zoning) of the San Fernando Municipal Code are hereby deleted in their entirety.

**SECTION 4.** Division 13 (Wireless Telecommunications Facilities) of Article VI (General Regulations) of Chapter 106 (Zoning) of the San Fernando Municipal Code is hereby amended by the addition of a new Subdivision V, which shall read as follows:

**Subdivision V. - Small Wireless Facilities.**

**Sec. 106-1380. - Permit.**

- (a) All small wireless facilities, as defined by the FCC in 47 C.F.R. § 1.6002(*I*), as may be amended or superseded, are subject to a permit, as specified in a City Council

policy to be adopted by City Council resolution. All small wireless facilities shall comply with the City Council's policy.

- (b) The provisions in this Subdivision V shall supersede any conflicting provisions of this Code, including, but not limited to, Subdivisions I through IV set forth in Division 13 (Wireless Telecommunications Facilities) of Chapter 106 (Zoning). All other regulations in this Code not in conflict with this Subdivision V shall continue to apply to small wireless facilities subject to this Subdivision V. The provisions in this Subdivision V are not intended to conflict with, supersede, or limit any applicable federal or California state law.

**SECTION 5. Environmental.** This Urgency Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) under the general rule that CEQA does not apply to activities which can be seen with certainty to have no effect on the environment. The proposed actions would not create any environmental impacts, therefore no additional action under CEQA is required.

**SECTION 6. Inconsistent Provisions.** Any provision of the San Fernando Municipal Code or appendices thereto inconsistent with the provisions of this Urgency Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to implement the provisions of this Urgency Ordinance.

**SECTION 7. 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 invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions 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 would be subsequently declared invalid or unconstitutional.

**SECTION 8. Construction.** The City Council intends this Urgency Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Urgency Ordinance shall be construed in light of that intent. To the extent the provisions of the San Fernando Municipal Code as amended by this Urgency Ordinance are substantially the same as the provisions of that Code as it read prior to the adoption of this Urgency Ordinance, those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

**SECTION 9. Publication and Effective Date.** This Urgency Ordinance is enacted pursuant to the authority conferred upon the City Council by Government Code Sections 36934 and 36937 and shall be in full force and effect upon its adoption by a four-fifths (4/5) vote of the City Council. The City Clerk shall cause this Urgency Ordinance to be published once in a newspaper of general circulation within fifteen (15) days after its adoption.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of San Fernando at a regular meeting held on \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Joel Fajardo, Mayor

**ATTEST:**

\_\_\_\_\_  
Elena G. Chávez, City Clerk  
**STATE OF CALIFORNIA** )  
**COUNTY OF LOS ANGELES** ) **SS**  
**CITY OF SAN FERNANDO** )

I, Elena G. Chávez, City Clerk of the City of San Fernando, do hereby certify that the above and foregoing Urgency Ordinance No. 1687 was passed and adopted by the City Council at its regular meeting duly held on the \_\_\_\_ day of \_\_\_\_\_ 2019 by the following votes to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Elena G. Chávez, City Clerk

**ATTACHMENT “C”**

**DRAFT POLICY GUIDELINES  
FOR SMALL WIRELESS FACILITIES**



## **CITY OF SAN FERNANDO POLICY FOR SMALL WIRELESS FACILITIES**

### **SECTION 1. General Provisions.**

#### **A. Purpose and Intent.**

1. The City of San Fernando (the “City”) intends this Small Wireless Facilities Policy to establish reasonable, uniform and comprehensive standards and procedures for small wireless facilities deployment, construction, installation, collocation, modification, operation, relocation, and removal within the City’s territorial boundaries, consistent with and to the extent permitted under federal and California state law. The standards and procedures contained in this Small Wireless Facilities Policy are intended to, and should be applied to, protect and promote public health, safety, and welfare, and balance the benefits that flow from robust, advanced wireless services with the City’s local values, which include without limitation the aesthetic character of the City, its neighborhoods and community. This Small Wireless Facilities Policy is also intended to reflect and promote the community interest by: (1) ensuring that the balance between public and private interest is maintained; (2) protecting the City’s visual character from potential adverse impacts or visual blight created or exacerbated by small wireless facilities and related communications infrastructure; (3) protecting and preserving the City’s environmental resources; and (4) promoting access to high-quality, advanced wireless services for the City’s residents, businesses, and visitors.
2. This Small Wireless Facilities Policy is not intended to, nor shall it be interpreted or applied to:
  - a. prohibit or effectively prohibit any personal wireless service provider’s ability to provide personal wireless services;
  - b. prohibit or effectively prohibit any entity’s ability to provide any interstate or intrastate telecommunications service, subject to any competitively neutral and nondiscriminatory rules, regulations, or other legal requirements for rights-of-way management;
  - c. unreasonably discriminate among providers of functionally equivalent services;
  - d. deny any request for authorization to place, construct or modify personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such wireless facilities comply with the FCC’s regulations concerning such emissions;
  - e. prohibit any collocation or modification that the City may not deny under federal or California state law;
  - f. impose any unfair, unreasonable, discriminatory, or anticompetitive fees that exceed the reasonable cost to provide the services for which the fee is charged; or

- g. otherwise authorize the City to preempt any applicable federal or California state law.

B. General Definitions.

1. Undefined Terms. Undefined phrases, terms or words in this Section 1.B shall have the meanings assigned to them in 1 U.S.C. § 1, as may be amended or superseded, and, if not defined therein, will have their ordinary meanings. If any definition assigned to any phrase, term or word in this Section 1.B conflicts with any federal or state-mandated definition, the federal or state-mandated definition will control.
2. Defined Terms.
  - a. “antenna” means the same as defined by the FCC in 47 C.F.R. § 1.6002(b), as may be amended or superseded.
  - b. “approval authority” means the City official responsible for reviewing applications for small cell permits and vested with the authority to approve, conditionally approve, or deny such applications as provided in this Small Wireless Facilities Policy. The approval authority for applications in connection with small wireless facilities shall be the Community Development Director or his/her designee.
  - c. “City” means the city of San Fernando, a California municipal corporation.
  - d. “collector street” means the same as defined in Section 106-6 of the San Fernando Municipal Code, as may be amended or superseded.
  - e. “collocation” means the same as defined by the FCC in 47 C.F.R. § 1.6002(g), as may be amended or superseded.
  - f. “Community Development Director” means the Director of the San Fernando Community Development Department (or duly appointed successor agency) or such Director’s designee.
  - g. “concealed” or “concealment” means camouflaging techniques that integrate the transmission equipment into the surrounding natural and/or built environment such that the average, untrained observer cannot directly view the equipment but would likely recognize the existence of the wireless facility or concealment technique. Camouflaging concealment techniques include, but are not limited to: (1) façade or rooftop mounted pop-out screen boxes; (2) antennas mounted within a radome above a streetlight; (3) equipment cabinets in the public rights-of-way painted or wrapped to match the background; and (4) an isolated or standalone faux-tree.
  - h. “decorative pole” means any pole that includes decorative or ornamental features, design elements, and/or materials intended to enhance the appearance of the pole or the public rights-of-way in which the pole is located.

- i. “FCC” means the Federal Communications Commission or its duly appointed successor agency.
- j. “FCC Shot Clock” means the presumptively reasonable time frame within which the City generally must act on a given wireless application, as defined by the FCC and as may be amended from time to time.
- k. “major arterial” means the same as defined in Section 106-6 of the San Fernando Municipal Code, as may be amended or superseded.
- l. “ministerial permit” means any City-issued non-discretionary permit required to commence or complete any construction or other activity subject to the City’s jurisdiction. Ministerial permits may include, without limitation, a building permit, construction permit, electrical permit, encroachment permit, excavation permit, and/or traffic control permit.
- m. “personal wireless services” means the same as defined in 47 U.S.C. § 332(c)(7)(C)(i), as may be amended or superseded, which defines the term as commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services.
- n. “personal wireless service facilities” means the same as defined in 47 U.S.C. § 332(c)(7)(C)(i), as may be amended or superseded, which defines the term as facilities that provide personal wireless services.
- o. “Public Works Director” means the Director of the San Fernando Public Works Department (or duly appointed successor agency) or such Director’s designee.
- p. “RF” means radio frequency or electromagnetic waves generally between thirty (30) kHz and three hundred (300) GHz in the electromagnetic spectrum range.
- q. “secondary arterial” means the same as defined in Section 106-6 of the San Fernando Municipal Code, as may be amended or superseded.
- r. “Section 6409” means Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156, codified as 47 U.S.C. § 1455(a), as may be amended.
- s. “small cell permit” means a City-issued permit required for any small wireless facility proposed on an existing, new, or replacement support structure, subject to the approval authority’s prior review and approval.
- t. “small wireless facility” or “small wireless facilities” means the same as defined by the FCC in 47 C.F.R. § 1.6002(l), as may be amended or superseded.

## SECTION 2. Small Wireless Facilities.

### A. Applicability; Required Permits and Approvals.

1. **Applicable Wireless Facilities.** Except as expressly provided otherwise in this Small Wireless Facilities Policy, the provisions in this Small Wireless Facilities Policy shall be applicable to all existing small wireless facilities and all applications and requests for authorization to construct, install, attach, operate, collocate, modify, reconstruct, relocate, or otherwise deploy small wireless facilities within the City's jurisdictional and territorial boundaries within the public rights-of-way or on private property.
  2. **Small Cell Permit.** A small cell permit, subject to the approval authority's prior review and approval, shall be required for any small wireless facility proposed on an existing, new or replacement support structure.
  3. **Request for Approval Pursuant to Section 6409.** Notwithstanding anything in the Small Wireless Facilities Policy to the contrary, requests for approval to collocate, replace, or remove transmission equipment at an existing wireless tower or base station submitted pursuant to Section 6409 (47 U.S.C. Section 1455(a)) will be subject to the applicable provisions of state and federal laws, as may be amended or superseded.
  4. **Other Permits and Approvals.** In addition to a small cell permit, the applicant must obtain all other permits and regulatory approvals as may be required by any other federal, state, or local government agencies, which includes without limitation any ministerial permits and/or approvals issued by other City departments or divisions. All applications for ministerial permits submitted in connection with a proposed small wireless facility must contain a valid small cell permit issued by the City for the proposed facility. Any application for any ministerial permit(s) submitted without such small cell permit may be denied without prejudice. Furthermore, any permit or approval granted under this Small Wireless Facilities Policy shall remain subject to all lawful conditions and/or legal requirements associated with such other permits or approvals.
- B. **Location Requirements.** The City prefers small wireless facilities in the public rights-of-way to be installed in locations, ordered from most preferred to least preferred, as follows:
1. **Preface to Location Requirements.** This Section 2.B.1 provides guidance as to how to interpret and apply the location requirements. To better assist applicants and decision makers understand and respond to the community's aesthetic preferences and values, Sections 2.B.1-2.B.5 set out listed preferences for locations and support structures to be used in connection with small wireless facilities in ordered hierarchies. Applications that involve lesser-preferred locations or structures may be approved so long as the applicant demonstrates that either (i) no more preferred locations or structures exist within five hundred (500) feet from the proposed site; or (ii) any more preferred locations or structures within five hundred (500) feet from the proposed site would be technically infeasible, as determined by staff based upon written information provided by the applicant. Section 2.B.6 identifies "prohibited" support structures on which the City shall not approve any small cell permit application for any competitor or potential competitor.



2. Locations in the Public Rights-of-Way.
  - a. locations within or, if in the public right-of-way, immediately adjacent to non-residential zones or uses on or along major arterials;
  - b. locations within or, if in the public right-of-way, immediately adjacent to non-residential zones or uses on or along secondary arterials;
  - c. locations within or, if in the public right-of-way, immediately adjacent to non-residential zones or uses on or along collector streets;
  - d. locations within non-residential zones on or along local streets;
  - e. locations within or, if in the public right-of-way, immediately adjacent to residential zones or uses on or along major arterials;
  - f. locations within or, if in the public right-of-way, immediately adjacent to residential zones or uses on or along secondary arterials;
  - g. locations within or, if in the public right-of-way, immediately adjacent to residential zones or uses on or along collector streets.
3. Locations Outside the Public Rights-of-Way.
  - a. City-owned or controlled property or structures;
  - b. manufacturing zones;
  - c. commercial zones;
  - d. mixed/multi-use zones;
  - e. open space;
  - f. residential zones or residential uses.
4. Support Structures in the Public Rights-of-Way. The City prefers small wireless facilities to be installed on support structures in the public rights-of-way, ordered from most preferred to least preferred, as follows:
  - a. existing or replacement streetlight poles;
  - b. existing or replacement wood utility poles;
  - c. new, non-replacement streetlight poles;
  - d. new, non-replacement poles for small wireless facilities.

5. Support Structures Outside the Public Rights-of-Way. The City prefers small wireless facilities to be installed on support structures outside the public rights-of-way, ordered from most preferred to least preferred, as follows:
  - a. existing buildings or other non-tower structures previously approved for use as a support structure for personal wireless service facilities;
  - b. other existing buildings or non-tower structures;
  - c. existing or replacement poles or towers;
  - d. new, non-replacement towers for small wireless facilities.
6. Prohibited Support Structures. The City prohibits small wireless facilities to be installed on the following support structures, whether located in the public rights-of-way or not:
  - a. decorative poles;
  - b. traffic signals, signs, poles, cabinets, and related devices;
  - c. any utility pole scheduled for removal or relocation within twelve (12) months from the time the approval authority acts on the small cell permit application;
  - d. new, non-replacement wood poles.

#### C. Design Standards.

##### 1. General Standards.

- a. Noise. Small wireless facilities and all accessory equipment and transmission equipment must comply with all applicable noise control standards and regulations in Article II (Noise) of Chapter 34 (Environment) of the San Fernando Municipal Code and disturbing the peace provisions of the California Penal Code, and shall not exceed, either on an individual or cumulative basis, the noise limit in the applicable zone.
- b. Lights. Small wireless facilities shall not include any lights that would be visible from publicly accessible areas, except as may be required under Federal Aviation Administration, FCC, or other applicable regulations for health and safety. All equipment with lights (such as indicator or status lights) must be installed in locations and within enclosures that mitigate illumination impacts visible from publicly accessible areas. The provisions in this subsection shall not be interpreted or applied to prohibit installations on streetlights or luminaires installed on new or replacement poles as may be required under this Small Wireless Facilities Policy.
- c. Landscape Features. Small wireless facilities shall not displace any existing landscape features unless: (i) such displaced landscaping is replaced with native

and/or drought-resistant plants, trees or other landscape features approved by the approval authority and (ii) the applicant submits and adheres to a landscape maintenance plan. The landscape plan must include existing vegetation, and vegetation proposed to be removed or trimmed, and the landscape plan must identify proposed landscaping by species type, size, and location. Landscape maintenance must be performed in accordance with the San Fernando Municipal Code.

- d. Site Security Measures. Small wireless facilities may incorporate reasonable and appropriate site security measures, such as locks and anti-climbing devices, to prevent unauthorized access, theft, or vandalism. The approval authority shall not approve any barbed wire, razor ribbon, electrified fences, or any similarly dangerous security measures. All exterior surfaces on small wireless facilities shall be constructed from or coated with graffiti-resistant materials.
  - e. Signage; Advertisements. All small wireless facilities must include signage that accurately identifies the site owner/operator, the owner/operator's site name or identification number, and a toll-free number to the owner/operator's network operations center. Small wireless facilities may not bear any other signage or advertisements unless expressly approved by the City, required by law or recommended under FCC, OSHA, or other United States governmental agencies for compliance with RF emissions regulations.
  - f. Compliance with Health and Safety Regulations. All small wireless facilities shall be designed, constructed, operated, and maintained in compliance with all generally applicable health and safety regulations, which includes without limitation all applicable regulations for human exposure to RF emissions.
2. Small Wireless Facilities in the Public Right-of-Way.
- a. Overall Height. Small wireless facilities may not exceed either (A) the minimum separation from electrical lines required by applicable safety regulations (such as CPUC General Order 95), plus four (4) feet or (B) four (4) feet above the existing support structure.
  - b. Antennas.
    - i. Concealment. All antennas and associated mounting equipment, hardware, cables or other connectors must be completely concealed within an opaque antenna shroud or radome. The antenna shroud or radome must be painted a flat, non-reflective color to match the underlying support structure.
    - ii. Antenna Volume. Each individual antenna may not exceed three (3) cubic feet in volume and all antennas may not exceed six (6) cubic feet in volume.
  - c. Accessory Equipment.

- i. **Installation Preferences.** All non-antenna accessory equipment shall be installed in accordance with the following preferences, ordered from most preferred to least preferred: (a) underground in any area in which the existing utilities are primarily located underground; (b) on the pole or support structure; or (c) integrated into the base of the pole or support structure. Applications that involve lesser-preferred installation locations may be approved so long as the applicant provides the approval authority with sufficient written documentation to demonstrate that a more preferred installation location would be technically infeasible.
- ii. **Undergrounded Accessory Equipment.** All undergrounded accessory equipment must be installed in an environmentally controlled vault that is load-rated to meet the City's standards and specifications. Underground vaults located beneath a sidewalk must be constructed with a slip-resistant cover. Vents for airflow shall be flush-to-grade when placed within the sidewalk and may not exceed two (2) feet above grade when placed off the sidewalk. Applicants shall not be permitted to install an underground vault in a location that would cause any existing tree to be materially damaged or displaced.
- iii. **Pole-Mounted Accessory Equipment.** All pole-mounted accessory equipment must be installed flush to the pole to minimize the overall visual profile. If any applicable health and safety regulations prohibit flush-mounted equipment, the maximum separation permitted between the accessory equipment and the pole shall be the minimum separation required by such regulations. All pole-mounted equipment and required or permitted signage must be placed and oriented away from adjacent sidewalks and structures. Pole-mounted equipment may be installed behind street, traffic or other signs to the extent that the installation complies with applicable public health and safety regulations. All cables, wires and other connectors must be routed through conduits within the pole, and all conduit attachments, cables, wires and other connectors must be concealed from public view. To the extent that cables, wires and other connectors cannot be routed through the pole, applicants shall route them through a single external conduit or shroud that has been finished to match the underlying support structure.
- iv. **Base-Mounted Accessory Equipment.** All base-mounted accessory equipment must be installed within a shroud, enclosure or pedestal integrated into the base of the support structure. All cables, wires and other connectors routed between the antenna and base-mounted equipment must be concealed from public view.
- v. **Ground-Mounted Accessory Equipment.** The approval authority shall not approve any ground-mounted accessory equipment including, but not limited to, any utility or transmission equipment, pedestals, cabinets, panels or electric meters, unless the approval authority finds that alternatively situated accessory equipment, including, but not limited to, pole-mounted equipment, would have a less adverse impact on the public health, safety, and/or welfare.

- vi. **Accessory Equipment Volume.** All accessory equipment associated with a small wireless facility installed above ground level shall not cumulatively exceed: (i) nine (9) cubic feet in volume if installed in a residential zone or within two hundred fifty (250) feet from any structure approved for a residential use; or (ii) seventeen (17) cubic feet in volume if installed in a non-residential zone. The volume calculation shall include any shroud, cabinet or other concealment device used in connection with the non-antenna accessory equipment. The volume calculation shall not include any equipment or other improvements placed underground.
- d. **Streetlights.** Applicants that propose to install small wireless facilities on an existing streetlight must remove and replace the existing streetlight with one (1) substantially similar to the City's standards and specifications but designed to accommodate wireless antennas and accessory equipment. To mitigate any material changes in the street lighting patterns, the replacement pole must: (i) be located as close to the removed pole as possible; (ii) be aligned with the other existing streetlights; (iii) include a luminaire at substantially the same height and distance from the pole as the luminaire on the removed pole; and (iv) contain a light bulb with of the same type and light intensity. All antennas must be installed above the pole within a single, canister-style shroud or radome that tapers to the pole.
- e. **Wood Utility Poles.** Applicants that propose to install small wireless facilities on an existing wood utility pole must install all antennas above the pole unless the applicant provides the approval authority with sufficient written documentation to demonstrate that mounting the antennas above the pole would be technically infeasible. Side-mounted antennas on a stand-off bracket or extension arm must be concealed within a shroud. The stand-off bracket or extension arm must be installed parallel to the adjacent street. All cables, wires, and other connectors must be concealed within the side-arm mount, or extension arm. The maximum horizontal separation between the antenna and the pole shall be the minimum separation required by applicable health and safety regulations. All wireless facility equipment must be painted to match the support structure the extent feasible under existing laws.
- f. **New, Non-Replacement Poles.** To the extent authorized under applicable laws, the approval authority shall not approve any new, non-replacement support structures unless the applicant demonstrates that above-ground support structures within the intended service area either do not exist or are not potentially available to the applicant (e.g. an applicant deeming an existing wooden utility pole as unavailable for proposed facilities may provide the City with a corroborating letter from the respective utility and an O-Calc Pro structural analysis report demonstrating that the proposed pole cannot support the proposed facilities or may cite potential conflicts with CPUC General Order 95 requirements). If authorized, applicants that propose to install small wireless facilities on a new, non-replacement pole must install a new streetlight substantially similar to the City's standards and specifications but designed to accommodate wireless



antennas and accessory equipment located immediately adjacent to the proposed location. If there are no existing streetlights in the immediate vicinity, the applicant may install a composite pole capable of concealing all the accessory equipment either within the pole or within an integrated enclosure located at the base of the pole. The pole diameter shall not exceed twelve (12) inches and any base enclosure diameter shall not exceed sixteen (16) inches. All antennas, whether on a new streetlight or other new pole, must be installed above the pole within a single, canister-style shroud or radome.

- g. **Strand-Mounted Wireless Facilities.** No more than one strand-mounted wireless facility may be installed on any single span between two (2) poles. The approval authority shall not approve any ground-mounted equipment in connection with any strand-mounted wireless facility. All equipment and other improvements associated with a strand-mounted wireless facility must comply with all applicable health and safety regulations. Strand-mounted wireless facilities shall not exceed one (1) cubic foot in total volume. All strand-mounted equipment shall be finished in a non-reflective grey color. Any accessory equipment mounted on the pole shall be painted and textured to match the underlying pole.
- h. **Encroachments Over Private Property.** Small wireless facilities may not encroach onto or over any private or other property outside the public rights-of-way without the property owner's express written consent.
- i. **Backup Power Sources.** Fossil-fuel based backup power sources shall not be permitted within the public rights-of-way; provided, however, that connectors or receptacles may be installed for temporary backup power generators used in an emergency declared by federal, state, or local officials.
- j. **Obstructions; Public Safety.** Small wireless facilities and any associated equipment or improvements shall not physically interfere with or impede access to any: (i) public access to the public rights-of-way, including sidewalks, streets, and alleys; (ii) worker access to any above-ground or underground infrastructure for traffic control, streetlight, or public transportation, including without limitation any curb control sign, parking meter, vehicular traffic sign or signal, pedestrian traffic sign or signal, or barricade reflectors; (iii) access to any public transportation vehicles, shelters, street furniture or other improvements at any public transportation stop; (iv) worker access to above-ground or underground infrastructure owned or operated by any public or private utility agency; (v) fire hydrant or water valve; (vi) access to any doors, gates, sidewalk doors, passage doors, stoops, or other ingress and egress points to any building appurtenant to the rights-of-way; or (vii) access to any fire escape.
- k. **Utility Connections.** All cables and connectors for telephone, data backhaul, primary electric, and other similar utilities must be routed underground in conduits large enough to accommodate future collocated wireless facilities. Undergrounded cables and wires must transition directly into the pole base without any external doghouse. All cables, wires, and connectors between the

underground conduits and the antennas and other accessory equipment shall be routed through and concealed from view within: (i) internal risers or conduits if on a concrete, composite, or similar pole; or (ii) a cable shroud or conduit mounted as flush to the pole as possible if on a wood pole or other pole without internal cable space. The approval authority shall not approve new overhead utility lines or service drops merely because compliance with the undergrounding requirements would increase the project cost.

- l. Electric Meters. Small wireless facilities shall use flat-rate electric service or other method that obviates the need for a separate above-grade electric meter. If flat-rate service is not available, applicants may install a shrouded smart meter. The approval authority shall not approve a separate ground-mounted electric meter pedestal.
  - m. Street Trees. To preserve existing landscaping in the public rights-of-way, all work performed in connection with small wireless facilities shall not cause any street trees to be trimmed, damaged, or displaced. If any street trees are damaged or displaced, the applicant shall be responsible, at its sole cost and expense, to plant and maintain replacement trees at the site for the duration of the permit term.
3. Small Wireless Facilities Outside the Public Right-of-Way.
- a. Overall Height. Small wireless facilities on private property shall not exceed thirty-five (35) feet or the height limit for the applicable zone or overlay zone, whichever is less.
  - b. Setbacks. Small wireless facilities on private property may not encroach into any applicable setback for structures in the subject zoning zone.
  - c. Backup Power Sources. The approval authority shall not approve any diesel generators or other similarly noisy or noxious generators in or within two hundred fifty (250) feet from any residence; provided, however, the approval authority may approve sockets or other connections used for temporary backup generators.
  - d. Parking; Access. Any equipment or improvements constructed or installed in connection with any small wireless facilities must not reduce any parking spaces below the minimum requirement for the subject property. Whenever feasible, small wireless facilities must use existing parking and access rather than construct new parking or access improvements. Any new parking or access improvements must be the minimum size necessary to reasonably accommodate the proposed use in accordance with the San Fernando Municipal Code and applicable state and federal laws.
  - e. Towers, Poles and Other Freestanding Small Wireless Facilities. All new towers, poles, or other freestanding structures that support small wireless facilities must be made from a metal or composite material capable of concealing all the accessory equipment, including cables, mounting brackets, radios, and utilities,

either within the support structure or within an integrated enclosure located at the base of the support structure. All antennas must be installed above the pole in a single, canister-style shroud, or radome. The support structure and all transmission equipment must be painted with flat/neutral colors that match the support structure. The pole diameter shall not exceed twelve (12) inches and any base enclosure diameter shall not exceed sixteen (16) inches.

f. Building-Mounted Small Wireless Facilities.

- i. Preferred Concealment Techniques. All applicants must propose new non-tower small wireless facilities that are completely concealed and architecturally integrated into the existing façade or rooftop features with no visible impacts from any publicly accessible areas at ground level (examples include, but are not limited to, antennas behind existing parapet walls or façades replaced with RF-transparent material and finished to mimic the replaced materials). Alternatively, if the applicant provides the approval authority with sufficient written documentation to demonstrate that integration with existing features is technically infeasible, the applicant may propose completely concealed new structures or appurtenances designed to mimic the support structure's original architecture and proportions (examples include, but are not limited to, steeples and chimneys). Facilities must be located behind existing parapet walls or other existing screening elements to the maximum extent feasible.
- ii. Façade-Mounted Equipment. When small wireless facilities cannot be placed behind existing parapet walls or other existing screening elements, the approval authority may approve façade-mounted equipment in accordance with this Section 2.C.3.f.ii. All façade-mounted equipment must be concealed behind screen walls and mounted flush to the façade. The approval authority may not approve "pop-out" screen boxes. The approval authority may not approve any exposed façade-mounted antennas, including but not limited to exposed antennas painted to match the façade. To the extent feasible, façade-mounted equipment must be installed on the façade(s) along the building frontage that is the least prominent or publicly visible.

D. Small Cell Application Requirements.

1. Small Cell Permit Application Contents. All applications for a small cell permit must include all the information and materials required in this Section 2.D.
  - a. Application Form. The applicant shall submit a complete, duly executed small cell permit application on the then-current form prepared by the approval authority.
  - b. Application Fee. The applicant shall submit the applicable wireless telecommunications permit, administrative approval fee established by City Council resolution. Batched applications must include the applicable wireless

telecommunications permit, administrative approval fee for each small wireless facility in the batch.

- c. **Construction Drawings.** The applicant shall submit true and correct construction drawings, prepared, signed, and stamped by a California licensed or registered engineer, that depict all the existing and proposed improvements, equipment and conditions related to the proposed project, which includes without limitation any and all poles, posts, pedestals, traffic signals, towers, streets, sidewalks, pedestrian ramps, driveways, curbs, gutters, drains, handholes, manholes, fire hydrants, equipment cabinets, antennas, cables, trees, and other landscape features. The construction drawings must: (i) contain cut sheets that contain the technical specifications for all existing and proposed antennas and accessory equipment, which includes without limitation the manufacturer, model number and physical dimensions; (ii) identify all structures within two hundred fifty (250) feet from the proposed project site and call out such structures' overall height above ground level; (iii) depict the applicant's plan for electric and data backhaul utilities, which shall include the locations for all conduits, cables, wires, handholes, junctions, transformers, meters, disconnect switches, and points of connection; and (iv) demonstrate that proposed project will be in full compliance with all applicable health and safety laws, regulations or other rules, which includes without limitation all building codes, electric codes, local street standards and specifications, and public utility regulations and orders.
- d. **Site Survey.** For any small wireless facility proposed to be located within the public rights-of-way, the applicant shall submit a survey prepared, signed and stamped by a California licensed or registered engineer. The survey must identify and depict all existing boundaries, encroachments and other structures within two hundred fifty (250) feet from the proposed project site, which includes without limitation all: (i) traffic lanes; (ii) all private properties and property lines; (iii) above and below-grade utilities and related structures and encroachments; (iv) fire hydrants, roadside call boxes, and other public safety infrastructure; (v) streetlights, decorative poles, traffic signals, and permanent signage; (vi) sidewalks, driveways, parkways, curbs, gutters, and storm drains; (vii) benches, trash cans, mailboxes, kiosks, and other street furniture; and (viii) existing trees, planters, and other landscaping features.
- e. **Photo Simulations.** The applicant shall submit site photographs and photo simulations that show the existing location and proposed small wireless facility in context from at least three (3) vantage points within the public streets or other publicly accessible spaces, together with a vicinity map that shows the proposed site location and the photo location for each vantage point.
- f. **Project Narrative and Justification.** The applicant shall submit a written statement that explains in plain factual detail whether and why the proposed wireless facility qualifies as a "small wireless facility" as defined by the FCC in 47 C.F.R. § 1.6002(*l*). A complete written narrative analysis will state the applicable standard and all the facts that allow the City to conclude the standard has been met—bare

conclusions not factually supported do not constitute a complete written analysis. As part of the written statement the applicant must also include (i) whether and why the proposed support is a structure as defined by the FCC in 47 C.F.R. § 1.6002(m); and (ii) whether and why the proposed wireless facility meets each required finding for a small cell permit as provided in Section 2.F.3.

- g. RF Compliance Report. The applicant shall submit an RF exposure compliance report that certifies that the proposed small wireless facility, as well as any collocated wireless facilities, will comply with applicable federal RF exposure standards and exposure limits. The RF report must be prepared and certified by an RF engineer acceptable to the City. The RF report must include the actual frequency and power levels (in watts ERP) for all existing and proposed antennas at the site and exhibits that show the location and orientation of all transmitting antennas and the boundaries of areas with RF exposures in excess of the uncontrolled/general population limit (as that term is defined by the FCC) and also the boundaries of areas with RF exposures in excess of the controlled/occupational limit (as that term is defined by the FCC). Each such boundary shall be clearly marked and identified for every transmitting antenna at the project site.
- h. Public Notices. The applicant shall submit a mailing list and envelopes, stamped and addressed, for all properties and record owners of properties entitled to receive notice under Section 2.F.1. Insufficient postage and/or illegible addressing shall be a basis to deem the application incomplete.
- i. Structural Analysis Report. The applicant shall submit a structural analysis report with calculations, drawings, and general recommendations for structural modifications should the proposed project fail the analysis.
- j. Regulatory Authorization. The applicant shall submit evidence of the applicant's regulatory status under federal and California state law to provide the services and construct the small wireless facility proposed in the application.
- k. Site Agreement. For any small wireless facility proposed to be installed on any structure owned or controlled by the City and located within the public rights-of-way, the applicant shall submit a partially-executed site agreement on a form prepared by the City that states the terms and conditions for such non-exclusive use by the applicant. No changes shall be permitted to the City's form site agreement except as may be indicated on the form itself. Any unpermitted changes to the City's form site agreement shall be deemed a basis to deem the application incomplete.
- l. Title Report and Property Owner's Authorization. For any small wireless facility proposed to be installed on any private property not owned or controlled by the City, the applicant must submit: (i) a title report issued within thirty (30) days from the date the applicant filed the application; and (ii) if the applicant is not the property owner, a written authorization signed by the property owner identified in



the title report that authorizes the applicant to submit and accept a small cell permit in connection with the subject property. For any small wireless facility proposed to be installed on a support structure in the public right-of-way, the applicant must submit a written authorization from the support structure owner(s).

- m. Acoustic Analysis. The applicant shall submit an acoustic analysis prepared and certified by an engineer for the proposed small wireless facility and all associated equipment including all environmental control units, sump pumps, temporary backup power generators, and permanent backup power generators demonstrating compliance with the City's noise regulations. The acoustic analysis must also include an analysis of the manufacturers' specifications for all noise-emitting equipment and a depiction of the proposed equipment relative to all adjacent property lines. In lieu of an acoustic analysis, the applicant may submit evidence from the equipment manufacturer that the ambient noise emitted from all the proposed equipment will not, both individually and cumulatively, exceed the applicable limits.
- 2. Additional Requirements. The City Council authorizes the approval authority to develop, publish, and from time to time, update or amend permit application requirements, forms, checklists, guidelines, informational handouts, and other related materials that the approval authority finds necessary, appropriate or useful for processing any application governed under this Small Wireless Facilities Policy. All such requirements and materials must be in written form and publicly stated to provide all interested parties with prior notice.

#### E. Small Cell Permit Application Submittal and Completeness Review.

- 1. Requirements for a Duly Filed Application. Any application for a small cell permit will not be considered duly filed unless submitted in accordance with the requirements in this Section 2.E.1.
  - a. Submittal Appointment. All applications must be submitted to the City at a pre-scheduled appointment with the approval authority. Applicants may generally submit one (1) application per appointment, or up to three (3) individual applications per appointment for batched applications. Applicants may schedule successive appointments for multiple applications whenever feasible given staffing limitations and obligations to provide appointments to various providers. The approval authority shall use reasonable efforts to provide the applicant with an appointment within five (5) working days after the approval authority receives a written request. Any application received without an appointment, whether delivered in-person, by mail, or through any other means, will not be considered duly filed.
  - b. Pre-Submittal Conferences. The City strongly encourages, but does not require, applicants to schedule and attend a pre-submittal conference with the approval authority for all proposed projects. This voluntary pre-submittal conference does not cause the FCC Shot Clock to begin and is intended to streamline the review

process through informal discussion that includes, without limitation, the appropriate project classification and review process; any underlying issues in connection with the proposed project, including compliance with generally applicable rules for public health and safety; potential concealment issues or concerns (if applicable); coordination with other City departments responsible for application review; and application completeness issues. To mitigate unnecessary delays due to application incompleteness, applicants are encouraged (but not required) to bring any draft applications or other materials so that City staff may provide informal feedback and guidance about whether such applications or other materials may be incomplete or unacceptable. The approval authority shall use reasonable efforts to provide the applicant with an appointment within five (5) working days after receiving a written request and the applicant shall submit any applicable fee or deposit established by City Council by resolution to reimburse the City for its reasonable costs to provide the services rendered in the pre-submittal conference.

2. [RESERVED]

3. Applications Deemed Withdrawn. To promote efficient review and timely decisions, and to mitigate unreasonable delays or barriers to entry caused by chronically incomplete applications, any application governed under this Small Wireless Facilities Policy will be automatically deemed withdrawn by the applicant when the applicant fails to tender a substantive response to the approval authority within sixty (60) calendar days after the approval authority deems the application incomplete in a written notice to the applicant. As used in this Section 2.E, a “substantive response” must include the materials identified as incomplete in the approval authority’s notice.
4. Batched Applications. Applicants may submit up to five (5) individual applications for a small cell permit in a batch; provided, however, that small wireless facilities in a batch must be proposed with substantially the same equipment in the same configuration on the same support structure type. Each application in a batch must meet all the requirements for a complete application, which includes without limitation the application fee for each application in the batch. If any application in a batch is incomplete, the entire batch shall be deemed incomplete. If any application is withdrawn or deemed withdrawn from a batch, the entire batch shall be deemed withdrawn. If any application in a batch fails to meet the required findings for approval, the entire batch shall be denied.
5. Additional Procedures. The City Council authorizes the approval authority to establish other reasonable rules and regulations for duly filed applications, which may include without limitation regular hours for appointments with applicants, as the approval authority deems necessary or appropriate to organize, document, and manage the application intake process. All such rules and regulations must be in written form and publicly stated to provide all interested parties with prior notice.

F. Approvals and Denials; Notices.

1. **Public Notice.** Prior to any approval, conditional approval, or denial, public notice shall be mailed to all properties and record owners of properties within five hundred (500) feet from the project site measured laterally in both directions. The notice must contain: (1) a general project description; (2) the applicant's identification and contact information as provided on the application submitted to the City; (3) contact information for the approval authority; (4) a statement that the approval authority will act on the application without a public hearing but will accept written public comments that evaluate the application for compliance with the standards in this Policy; and (5) a statement that the FCC requires the City to act on small cell permit applications, which includes any administrative appeals, in sixty (60) days for attachments to existing structures and ninety (90) days for new structures, unless the applicant voluntarily agrees to toll the time frame for review.
2. **Administrative Review.** Within the time afforded under the FCC Shot Clock, or other time frame agreed upon pursuant to a tolling agreement between the applicant and the City, the approval authority shall approve, conditionally approve, or deny a complete and duly filed small cell permit application without a public hearing.
3. **Required Findings.** The approval authority may approve or conditionally approve a complete and duly filed application for a small cell permit when the approval authority finds:
  - a. the proposed project meets the definition for a "small wireless facility" as defined by the FCC;
  - b. the proposed project would be in the most preferred location or the applicant has demonstrated that any more-preferred location(s) within five hundred (500) feet would be technically infeasible, as determined by staff based upon written information provided by the applicant;
  - c. the proposed project would not be located on a prohibited support structure identified in this Small Wireless Facilities Policy;
  - d. the proposed project would be on the most preferred support structure or the applicant has demonstrated that any more-preferred support structure(s) within five hundred (500) feet would be technically infeasible, as determined by staff based upon written information provided by the applicant;
  - e. the proposed project complies with all applicable design standards in this Small Wireless Facilities Policy;
  - f. the applicant has demonstrated that the proposed project will be in planned compliance with all applicable FCC regulations and guidelines for human exposure to RF emissions; and
  - g. all public notices required for the application have been given.

4. Conditional Approvals; Denials without Prejudice. Subject to any applicable federal or California state laws, nothing in this Small Wireless Facilities Policy is intended to limit the approval authority's ability to conditionally approve or deny without prejudice any small cell permit application as may be necessary or appropriate to ensure compliance with this Small Wireless Facilities Policy.
5. Decision Notices. Within five (5) calendar days after the approval authority acts on a small cell permit application or before the FCC Shot Clock expires (whichever occurs first), the approval authority shall notify the applicant by written notice of his or her determination on such application. If the approval authority denies the application (with or without prejudice), the written notice must contain the reasons for the decision.
6. Appeals. Any decision by the approval authority shall be final and not subject to any administrative appeals.

G. Standard Conditions of Approval.

1. General Conditions. In addition to all other conditions adopted by the approval authority for a small cell permit, all small cell permits issued under this Small Wireless Facilities Policy shall be automatically subject to the conditions in this Section 2.G.1.
  - a. Permit Term. This permit will automatically expire ten (10) years and one (1) day from its issuance, except when California Government Code § 65964(b), as may be amended or superseded in the future, authorizes the City to establish a shorter term for public safety or substantial land use reasons. Any other permits or approvals issued in connection with any collocation, modification or other change to this wireless facility, which includes without limitation any permits or other approvals deemed-granted or deemed-approved under federal or state law, will not extend this term limit unless expressly provided otherwise in such permit or approval or required under federal or state law.
  - b. Permit Renewal. Within one (1) year before the expiration date of this permit, the permittee may submit an application for permit renewal. The permittee must demonstrate that the subject wireless facility complies with all the conditions of approval associated with this permit and all applicable provisions in the San Fernando Municipal Code and this Small Wireless Facilities Policy that exist at the time the decision to renew or not renew the permit is rendered. The approval authority may modify or amend the conditions on a case-by-case basis as may be necessary or appropriate to ensure compliance with this Small Wireless Facilities Policy. Upon renewal, this permit will automatically expire ten (10) years and one (1) day from its issuance, except when California Government Code § 65964(b), as may be amended or superseded in the future, authorizes the City to establish a shorter term for public safety or substantial land use reasons.

- c. **Post-Installation Certification.** Within sixty (60) calendar days after the permittee commences full, unattended operations of a small wireless facility approved or deemed-approved, the permittee shall provide the approval authority with documentation reasonably acceptable to the approval authority that the small wireless facility has been installed and/or constructed in strict compliance with the approved construction drawings and photo simulations. Such documentation shall include, without limitation, as-built drawings, GIS data and site photographs.
- d. **Build-Out Period.** This small cell permit will automatically expire six (6) months from the approval date (the “build-out period”) unless the permittee obtains all other permits and approvals required to install, construct and/or operate the approved small wireless facility, which includes without limitation any permits or approvals required by the any federal, state, or local public agencies with jurisdiction over the subject property, the small wireless facility or its use. If this build-out period expires, the City will not extend the build-out period but the permittee may resubmit a complete application, including all application fees, for the same or substantially similar project.
- e. **Site Maintenance.** The permittee shall keep the site, which includes without limitation any and all improvements, equipment, structures, access routes, fences, and landscape features, in a neat, clean, and safe condition in accordance with the approved construction drawings and all conditions in this small cell permit. The permittee shall keep the site area free from all litter and debris at all times. The permittee, at no cost to the City, shall remove and remediate any graffiti or other vandalism at the site within forty-eight (48) hours after the permittee receives notice or otherwise becomes aware that such graffiti or other vandalism occurred.
- f. **Compliance with Laws.** The permittee shall maintain compliance at all times with all federal, state and local statutes, regulations, orders or other rules that carry the force of law (“laws”) applicable to the permittee, the subject property, the small wireless facility or any use or activities in connection with the use authorized in this small cell permit, which includes without limitation any laws applicable to human exposure to RF emissions. The permittee expressly acknowledges and agrees that this obligation is intended to be broadly construed and that no other specific requirements in these conditions are intended to reduce, relieve or otherwise lessen the permittee’s obligations to maintain compliance with all laws. No failure or omission by the City to timely notice, prompt, or enforce compliance with any applicable provision in the San Fernando Municipal Code, this Small Wireless Facilities Policy, any permit, any permit condition, or any applicable law or regulation, shall be deemed to relieve, waive, or lessen the permittee’s obligation to comply in all respects with all applicable provisions in the San Fernando Municipal Code, this Small Wireless Facilities Policy, any permit, any permit condition, or any applicable law or regulation.
- g. **Adverse Impacts on Other Properties.** The permittee shall use all reasonable efforts to avoid any and all unreasonable, undue, or unnecessary adverse impacts on nearby properties that may arise from the permittee’s or its authorized



personnel's construction, installation, operation, modification, maintenance, repair, removal, and/or other activities on or about the site. The permittee shall not perform or cause others to perform any construction, installation, operation, modification, maintenance, repair, removal, or other work that involves heavy equipment or machines except during normal construction work hours authorized by the San Fernando Municipal Code. The restricted work hours in this condition will not prohibit any work required to prevent an actual, immediate harm to property or persons, or any work during an emergency declared by the City or other state or federal government agency or official with authority to declare a state of emergency within the City. The approval authority may issue a stop work order for any activities that violates this condition in whole or in part.

- h. Inspections; Emergencies. The permittee expressly acknowledges and agrees that the City's officers, officials, staff, agents, contractors, or other designees may enter onto the site and inspect the improvements and equipment upon reasonable prior notice to the permittee. Notwithstanding the prior sentence, the City's officers, officials, staff, agents, contractors, or other designees may, but will not be obligated to, enter onto the site area without prior notice to support, repair, disable, or remove any improvements or equipment in emergencies or when such improvements or equipment threatens actual, imminent harm to property or persons. The permittee, if present, may observe the City's officers, officials, staff, or other designees while any such inspection or emergency access occurs.
- i. Permittee's Contact Information. Within ten (10) days from the final approval, the permittee shall furnish the City with accurate and up-to-date contact information for a person responsible for the small wireless facility, which includes without limitation such person's full name, title, direct telephone number, facsimile number, mailing address, and email address. The permittee shall keep such contact information up-to-date at all times and promptly provide the City with updated contact information if either the responsible person or such person's contact information changes.
- j. Indemnification. The permittee and, if applicable, the property owner upon which the small wireless facility is installed shall defend, indemnify and hold harmless the City, City Council and the City's boards, commissions, agents, officers, officials, employees, and volunteers (collectively, the "indemnitees") from any and all (i) damages, liabilities, injuries, losses, costs, and expenses and from any and all claims, demands, law suits, writs and other actions or proceedings ("claims") brought against the indemnitees to challenge, attack, seek to modify, set aside, void, or annul the City's approval of this small cell permit, and (ii) other claims of any kind or form, whether for personal injury, death or property damage, that arise from or in connection with the permittee's or its agents', directors', officers', employees', contractors', subcontractors', licensees' or customers' acts or omissions in connection with this small cell permit or the small wireless facility. In the event the City becomes aware of any claims, the City will use best efforts to promptly notify the permittee and the private property owner (if applicable) and shall reasonably cooperate in the defense. The permittee expressly

acknowledges and agrees that the City shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the City's defense, and the property owner and/or permittee (as applicable) shall promptly reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. The permittee expressly acknowledges and agrees that the permittee's indemnification obligations under this condition are a material consideration that motivates the City to approve this small cell permit, and that such indemnification obligations will survive the expiration, revocation, or other termination of this small cell permit.

- k. **Performance Bond.** Before the Public Works Department or Building and Safety Division, as applicable, issues any permits required to commence construction in connection with this permit, the permittee shall post a performance bond from a surety and in a form acceptable to the Public Works Director in an amount reasonably necessary to cover the cost to remove the improvements and restore all affected areas based on a written estimate from a qualified contractor with experience in wireless facilities removal. The written estimate must include the cost to remove all equipment and other improvements, which includes without limitation all antennas, radios, batteries, generators, utilities, cabinets, mounts, brackets, hardware, cables, wires, conduits, structures, shelters, towers, poles, footings, and foundations, whether above ground or below ground, constructed or installed in connection with the wireless facility, plus the cost to completely restore any areas affected by the removal work to a standard compliant with applicable laws. In establishing or adjusting the bond amount required under this condition, and in accordance with California Government Code § 65964(a), the Public Works Director or designee shall take into consideration any information provided by the permittee regarding the cost to remove the small wireless facility to a standard compliant with applicable laws. The performance bond shall expressly survive the expiration, revocation or other termination of this permit to the extent required to completely remove the equipment and improvements, restore the affected areas, and perform all other obligations in accordance with this condition.
- l. **Record Retention.** Throughout the permit term, the permittee must maintain a complete and accurate copy of the written administrative record, which includes without limitation the small cell permit application, small cell permit, the approved plans and photo simulations incorporated into this approval, all conditions associated with this approval, any ministerial permits or approvals issued in connection with this approval, and any records, memoranda, documents, papers and other correspondence entered into the public record in connection with the small cell permit (collectively, "records"). If the permittee does not maintain such records as required in this condition, any ambiguities or uncertainties that would be resolved by inspecting the missing records will be construed against the permittee. The permittee shall protect all records from damage from fires, floods, and other hazards that may cause deterioration. The permittee may keep records in an electronic format; provided, however, that hard copies or electronic records kept in the City's regular files will control over any conflicts between such City-

controlled copies or records and the permittee's electronic copies, and complete originals will control over all other copies in any form. The requirements in this condition shall not be construed to create any obligation to create or prepare any records not otherwise required to be created or prepared by other applicable laws. Compliance with the requirements in this condition shall not excuse the permittee from any other similar record-retention obligations under applicable law.

- m. **Abandoned Wireless Facilities.** The small wireless facility authorized under this small cell permit shall be deemed abandoned if not operated for any continuous six (6) month period. Within ninety (90) days after a small wireless facility is abandoned or deemed abandoned, the permittee and/or property owner shall completely remove the small wireless facility and all related improvements and shall restore all affected areas to a condition compliant with all applicable laws, which includes without limitation the San Fernando Municipal Code. In the event that neither the permittee nor the property owner complies with the removal and restoration obligations under this condition within said 90-day period, the City shall have the right (but not the obligation) to perform such removal and restoration with or without notice, and the permittee and property owner shall be jointly and severally liable for all costs and expenses incurred by the City in connection with such removal and/or restoration activities.
  - n. **Landscaping.** The permittee shall replace any landscape features damaged or displaced by the construction, installation, operation, maintenance, or other work performed by the permittee or at the approval authority's direction on or about the site. If any trees are damaged or displaced, the permittee shall hire and pay for a licensed arborist to select, plant, and maintain replacement landscaping in an appropriate location for the species. Any replacement tree must be substantially the same size as the damaged tree. The permittee shall, at all times, be responsible to maintain any replacement landscape features.
  - o. **Cost Reimbursement.** The permittee acknowledges and agrees that (i) the permittee's request for authorization to construct, install, and/or operate the wireless facility will cause the City to incur costs and expenses; (ii) the permittee shall be responsible to reimburse the City for all costs incurred in connection with the permit, which includes without limitation costs related to application review, permit issuance, site inspection, and any other costs reasonably related to or caused by the request for authorization to construct, install and/or operate the wireless facility; (iii) any application fees required for the application may not cover all such reimbursable costs and that the permittee shall have the obligation to reimburse City for all such costs within ten (10) days after a written demand for reimbursement and reasonable documentation to support such costs; and (iv) the City shall have the right to withhold any permits or other approvals in connection with the wireless facility until and unless any outstanding costs have been reimbursed to the City by the permittee.
2. **Conditions for Small Wireless Facilities in the Public Rights-of-Way.** In addition to all conditions in Section 2.G.1, all small cell permits for small wireless facilities in

the public rights-of-way issued under this Small Wireless Facilities Policy shall be automatically subject to the conditions in this Section 2.G.2.

- a. Future Undergrounding Programs. If other public utilities or communications providers in the public rights-of-way underground their facilities in the segment of the public rights-of-way where the permittee's small wireless facility is located, the permittee must underground its equipment except the antennas, any electric meter, and any other equipment that must be placed above ground to function. Accessory equipment such as radios and computers that require an environmentally controlled underground vault to function shall not be exempt from this condition. Small wireless facilities installed on wood utility poles that will be removed pursuant to the undergrounding program may be reinstalled on a streetlight that complies with the City's standards and specifications. Such undergrounding shall occur at the permittee's sole cost and expense except as may be reimbursed through tariffs approved by the California Public Utilities Commission for undergrounding costs.
- b. Electric Meter Upgrades. If the commercial electric utility provider adopts or changes its rules making the need for a separate electric meter and enclosure unnecessary, the permittee on its own initiative and at its sole cost and expense shall remove the separate electric meter and enclosure. Prior to removing the electric meter, the permittee shall apply for any encroachment and/or other ministerial permit(s) required to perform the removal. Upon removal, the permittee shall restore the affected area to its original condition that existed prior to installation of the equipment.
- c. Rearrangement and Relocation. The permittee acknowledges that the City, in its sole discretion and at any time, may: (i) change any street grade, width, or location; (ii) add, remove or otherwise change any improvements in, on, under, or along any street owned by the City or any other public agency, which includes without limitation any sewers, storm drains, conduits, pipes, vaults, boxes, cabinets, poles, and utility systems for gas, water, electric, or telecommunications; and/or (iii) perform any other work deemed necessary, useful or desirable by the City (collectively, "City work"). The City reserves the rights to do any and all City work without any admission on its part that the City would not have such rights without the express reservation in this small cell permit. If the Public Works Director determines that any City work will require the permittee's small wireless facility located in the public rights-of-way to be rearranged and/or relocated, the permittee shall, at its sole cost and expense, do or cause to be done all things necessary to accomplish such rearrangement and/or relocation. If the permittee fails or refuses to either permanently or temporarily rearrange and/or relocate the permittee's small wireless facility within a reasonable time after the Public Works Director's notice, the City may (but will not be obligated to) cause the rearrangement or relocation to be performed at the permittee's sole cost and expense. The City may exercise its rights to rearrange or relocate the permittee's small wireless facility without prior notice to permittee when the Public Works Director determines that the City work is immediately necessary to protect public

health or safety. The permittee shall reimburse the City for all costs and expenses in connection with such work within ten (10) days after a written demand for reimbursement and reasonable documentation to support such costs.

#### H. Permit Revocation.

1. Any permit granted under this Small Wireless Facilities Policy may be revoked in accordance with the provisions and procedures in this condition. The approval authority may initiate revocation proceedings when the approval authority has information that the facility may not be in compliance with all applicable laws, which includes without limitation, any permit in connection with the facility and any associated conditions with such permit(s).
2. Before the approval authority may conduct a public hearing to revoke any permit granted under this Small Wireless Facilities Policy, the approval authority must issue a written notice to the permittee that specifies (i) the facility; (ii) the violation(s) to be corrected; (iii) the time frame in which the permittee must correct such violation(s); and (iv) that, in addition to all other rights and remedies the City may pursue, the City may initiate revocation proceedings for failure to correct such violation(s).
3. A permit granted under this Small Wireless Facilities Policy may be revoked only by the Planning and Preservation Commission after a duly notice public hearing. The Planning Commission may revoke a permit when it finds substantial evidence in the written record to show that the facility is not in compliance with any applicable laws, which includes without limitation, any permit in connection with the facility and any associated conditions with such permit(s). Any decision by the Planning and Preservation Commission to revoke or not revoke a permit may be appealed to the City Council in the same manner heard by the Planning and Preservation Commission. Any decision by the City Council to revoke or not revoke a permit shall be final and not subject to any further appeals.
4. Within five (5) business days after the Planning and Preservation Commission or City Council adopts a resolution to revoke a permit, the approval authority shall provide the permittee with a written notice that specifies the revocation and the reasons for such revocation.