



SAN FERNANDO

PLANNING AND PRESERVATION COMMISSION

REGULAR MEETING NOTICE AND AGENDA

FEBRUARY 2, 2016 – 6:30 P.M.

COUNCIL CHAMBERS
117 MACNEIL STREET
SAN FERNANDO, CA 91340

CALL TO ORDER/ROLL CALL

Chair Theale E. Haupt
Vice-Chair Alvin Durham, Jr.
Commissioner Kevin Beaulieu
Commissioner David Bernal
Commissioner Yvonne G. Mejia

PLEDGE OF ALLEGIANCE

Chairperson Theale E. Haupt

APPROVAL OF AGENDA

February 2, 2016

PUBLIC STATEMENTS – WRITTEN/ORAL

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

CONSENT CALENDAR

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

- 1) REQUEST TO APPROVE THE MINUTES OF JANUARY 5, 2016, PLANNING AND PRESERVATION COMMISSION MEETING.**

PLANNING AND PRESERVATION COMMISSION

Regular Meeting Notice and Agenda – FEBRUARY 2, 2016

NEW BUSINESS

- 2) **SUBJECT:** **CONDITIONAL USE PERMIT 2015-04 (CUP 2015-04)**
- APPLICANT:** **MAGALY’S TAMALES RESTAURANT (C/O MAGALY COLELLI) 134 N. MACLAY AVENUE, SAN FERNANDO, CA 91340**
- PROPOSAL:** **THE PROPOSED PROJECT IS A REQUEST FOR REVIEW AND APPROVAL OF A CONDITIONAL USE PERMIT, TO ALLOW FOR THE ON-SITE CONSUMPTION OF BEER, WINE, AND DISTILLED SPIRITS AT A PROPOSED RESTAURANT (ON-SALE GENERAL FOR BONA FIDE PUBLIC EATING PLACE; TYPE 47 LICENSE), AT THE PROPERTY LOCATED AT 134 N. MACLAY AVENUE. THE PROPOSED RESTAURANT WILL OCCUPY AN APPROXIMATELY 3,510 SQ. FT. COMMERCIAL BUILDING. THE SUBJECT PROPERTY IS LOCATED ALONG THE EAST SIDE OF THE 130 BLOCK OF NORTH MACLAY AVENUE, BETWEEN FIRST STREET AND SECOND STREET; WITHIN THE DOWNTOWN DISTRICT’S, CITY CENTER SUB-DISTRICT OF THE SAN FERNANDO CORRIDORS SPECIFIC PLAN (SP-4) ZONE.**
- RECOMMENDATION:** **STAFF RECOMMENDS THAT THE PLANNING AND PRESERVATION COMMISSION APPROVE CONDITIONAL USE PERMIT 2015-04, TO ALLOW FOR THE ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES IN CONJUNCTION WITH THE OPERATION OF “MAGALY’S TAMALES RESTAURANT” A BONA FIDE PUBLIC EATING PLACE LOCATED AT 134 NORTH MACLAY AVENUE, PURSUANT TO PLANNING AND PRESERVATION COMMISSION RESOLUTION 2016-002 AND THE CONDITIONS OF APPROVAL ATTACHED AS EXHIBIT “A” TO THE RESOLUTION (ATTACHMENT 1).**

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

CONTINUED BUSINESS

None

PLANNING AND PRESERVATION COMMISSION

Regular Meeting Notice and Agenda – FEBRUARY 2, 2016

STAFF COMMUNICATIONS

COMMISSIONER COMMENTS

ADJOURNMENT

March 1, 2016

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.

Fred Ramirez

Signed and Posted: January 29, 2016 (5:45 p.m.)

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

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

**DRAFT MINUTES OF THE
JANUARY 5, 2016 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://www.ci.san-fernando.ca.us/commissionandboardmeetings/#ppc>

CALL TO ORDER

The meeting was called to order by at 6:30 P.M.

PLEDGE OF ALLEGIANCE

Led by Theale Haupt

ROLL CALL

The following persons were recorded as present:

PRESENT:

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

ABSENT

None

ALSO PRESENT

Community Development Director Fred Ramirez, City Attorney Isabel Birrueta, Associate Planner Humberto Quintana, and Community Development Secretary Michelle De Santiago

APPROVAL OF AGENDA

Vice-chair A. Durham moved to approve the agenda of the November 4, 2014. Seconded by Commissioner Y. Mejia, the motion carried with the following vote:

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

PLANNING AND PRESERVATION COMMISSION

Regular Meeting Minutes – January 5, 2016

Page 2 of 3

CONSENT CALENDAR

Commissioner K. Beaulieu moved to approve the minutes of the December 8, 2015 Planning and Preservation Commission Meeting. Seconded by Commissioner D. Bernal, the motion carried with the following vote:

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

UNFINISHED BUSINESS

None

PUBLIC HEARING:

ZONE TEXT AMENDMENT 2015-001 AND DRAFT CITY ORDINANCE REGULATING UNATTENDED COLLECTION BOXES – CITY OF SAN FERNANDO, 117 MACNEIL STREET, SAN FERNANDO, CA – A PROPOSED ZONE TEXT AMENDMENT 2015-001, WHICH SEEKS TO ESTABLISH NEW REGULATIONS WITHIN THE CITY’S ZONING ORDINANCE REGARDING UNATTENDED COLLECTION BOXES.

STAFF PRESENTATION

Associate Planner Humberto Quintana gave the staff presentation recommending that subsequent to City Planning Staff’s presentation and consideration of any public comments, the Planning and Preservation Commission adopt Planning and Preservation Commission Resolution 2016-001 recommending to the City Council adoption of proposed ordinance that would amend Division 5 (Temporary Structures) of Chapter 106 (Zoning) of the San Fernando City Code in order to establish regulation for unattended collection boxes and make the associated environmental determination under the California Environmental Quality Act.

PUBLIC COMMENT:

None

COMMISSION DISCUSSION

T. Haupt asked if the contact information to be listed on each collection box was made a requirement.

F. Ramirez indicated that contact information requirement is part of the application process.

Subsequent to discussion, Vice-chair A. Durham moved to approve Planning and Preservation Commission Resolution 2016-001. Seconded by Commissioner K. Beaulieu, the motion carried with the following vote:

PLANNING AND PRESERVATION COMMISSION

Regular Meeting Minutes – January 5, 2016

Page 3 of 3

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

STAFF COMMUNICATIONS

F. Ramirez invited the Planning and Preservation Commission to the Transit Oriented Development Scoping meeting on January 7, 2016 at 6:00 p.m. in the Council Chambers.

COMMISSION COMMENTS

None

PUBLIC STATEMENTS

None

ADJOURNMENT

Commissioner Y. Mejia moved to adjourn to February 2, 2016. Second by Commissioner D. Bernal, the motion carried with the following vote:

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

6:45 P.M.
Fred Ramirez
Planning Commission Secretary

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MEETING DATE: FEBRUARY 2, 2016

PUBLIC HEARING:

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

“I move to approve Conditional Use Permit 2015-04, to allow for the on-site consumption of alcoholic beverages in conjunction with the operation of “Magaly’s Tamales Restaurant” a bona fide public eating place located at 134 North Maclay Avenue, pursuant to Planning and Preservation Commission Resolution 2016-002 and the conditions of approval attached as Exhibit “A” to the resolution (attachment 1)...” (Roll Call Vote)
 - b) To Deny:

“I move to deny Conditional Use Permit 2015-04 based on the following...” (Roll Call Vote)
 - c) To Continue:

“I move to continue consideration Conditional Use Permit 2015-04 to a *specific date*...” (Roll Call Vote)

ITEM 2:

CONDITIONAL USE PERMIT 2015-04

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AGENDA REPORT

To: Planning and Preservation Commission Chairperson Haupt and Commissioners

From: Fred Ramirez, Community Development Director
Prepared by: Humberto Quintana, Associate Planner

Date: February 2, 2016

Subject: **Conditional Use Permit 2015-04**
134 North Maclay Avenue, San Fernando, CA 91340
(Los Angeles County Assessor's Parcel No.:2519-002-009)

Proposal: The proposed project is a request for review and approval of a Conditional Use Permit, to allow for the on-site consumption of beer, wine and distilled spirits at a proposed restaurant (On-Sale General for Bona Fide Public Eating Place; Type 47 License), at the property located at 134 N. Maclay Avenue. The proposed restaurant will occupy an approximately 3,510 sq. ft. commercial building. The subject property is located along the east side of the 130 block of North Maclay Avenue, between First Street and Second Street; within the Downtown District, City Center Sub-District of the San Fernando Corridors Specific Plan (SP-4) Zone.

APPLICANT: Magaly's Tamales Restaurant (c/o Magaly Colelli), 134 North Maclay Avenue, San Fernando, CA 91340

RECOMMENDATION:

Staff recommends that the Planning and Preservation Commission approve Conditional Use Permit 2015-04, to allow for the on-site consumption of alcoholic beverages in conjunction with the operation of "Magaly's Tamales Restaurant" a bona fide public eating place located at 134 North Maclay Avenue, pursuant to Planning and Preservation Commission Resolution 2016-002 and the conditions of approval attached as Exhibit "A" to the resolution (Attachment 1).

PROJECT OVERVIEW:

On December 10, 2015, the City received an application (Attachment 2) for a Conditional Use Permit (CUP) that seeks City approval to allow for the on-site consumption of beer, wine and distilled spirits ("On-Sale General for Bona Fide Eating Place Type 47 License") ancillary to the operation of Magaly's Tamales Restaurant, a bona fide public eating place located at 134 North Maclay Avenue. Magaly's Tamales Restaurant is an existing restaurant that will be relocating from 119 North Maclay Avenue to an approximate 3,510-square-foot commercial building located at 134 North Maclay Avenue (Los Angeles County Assessor's Parcel No's.: 2519-002-

009). The applicant is currently in the process of completing interior and exterior improvements to the subject site. The proposed improvements consist of the rehabilitation of an existing retail commercial building to accommodate a restaurant use and the construction of approximately 250 square-foot second-story dining area addition to the front of the building along North Maclay Avenue. The subject site is approximately 3,577.5-square-foot lot on the westerly portion of the 100 block of North Maclay Avenue, between First Street and Second Street; within the Downtown District's City Center Sub-District of the San Fernando Corridors Specific Plan (SP-4) Zone.

The subject site will maintain a legal non-conforming entitlement for parking. Nonetheless, public parking accessible to the restaurant is located on-street north of the property along Second Street. In total, seven (7) on-street parking spaces are adjacent to the proposed restaurant, with one of the seven on-street parking stalls is designated as a handicap parking stall. An additional five (5) parking spaces are located southeast of the subject site in the form of public parking spaces on Second Street, a row of thirteen (13) public parking across the public alley, and 92 publicly accessible parking spaces exist at City Parking Lot No. 6N. (A site plan of the project site is provided as "Attachment 6" to this staff report.)

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

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

BACKGROUND:

1. General Plan Land Use and Zoning Designation: The project site at 134 North Maclay Avenue is located within the Downtown District (City Center Sub-District) of the SP-4 (Corridors Specific Plan) general plan land use area and zone.
2. Site Location and Description: Magaly's Tamales Restaurant is a proposed 3,510-square-foot restaurant located at 134 North Maclay Avenue. The Magaly's Tamales Restaurant property is located on the easterly portion of the 100 block of North Maclay Avenue, between First Street and Second Street (Los Angeles County Assessor's Parcel No.: 2519-002-009). Parking for the restaurant is provided on-street north of the property along Second Street. In total, seven (7) on-street parking spaces are available for the proposed restaurant, with one of the seven on-street parking stalls being a handicap parking stall. An additional five (5) parking spaces are located southeast of the subject site in the form of public parking spaces on Second Street, a row of thirteen (13) public parking across the public alley, and 92 publicly accessible parking spaces are located at City Parking Lot No. 6N.
3. Environmental Review: This project has been reviewed for compliance with the California Environmental Quality Act (CEQA). It is staff's assessment that this project proposal qualifies for a Categorical Exemption under Class 3 (New Construction or Conversion of Small Structures) of San Fernando's CEQA Guidelines. In that, the subject site meets the criteria of the conversion of a small structure from one permitted use (retail) to another permitted use (restaurant) within an urbanized area not involving the use of any hazardous substances where all necessary public services and facilities are available. If the Planning and Preservation Commission concurs with staff's determination, no further environmental assessment is necessary.
4. Legal Notification: On January 20, 2016, the public hearing notice was posted at two City Hall bulletins, at the County Public Library bulletin, and at the project site. A notice was also published in the January 21, 2016, print and online legal advertisement section of the Los Angeles Daily News (Attachment 3). In addition, notices of this hearing were mailed to all property owners of record within 500 feet of the subject site.
5. Public Comments: As of the date of preparation of this staff report, no comments were received from the public regarding this conditional use permit request. Any comments received after the distribution of this report shall be read into the record at the public hearing.

ANALYSIS:

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

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

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

The requested CUP to allow for the on-site consumption of alcohol in conjunction with the operation of Magaly's Tamales Restaurant, a bona fide public eating place, would allow for a customary service to be provided to patrons with meals, promoting the economic viability of the downtown commercial district and enhancing the dining experience. Permitting the ability for a restaurant in the city's downtown and civic center areas to expand its business through the sale and on-site consumption of alcoholic beverages served alongside meals helps foster growth and goes toward creating a lively environment for within the city's center, helping to create and maintain identity within the downtown that is distinct from surrounding communities.

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

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

As provided for in Section 1 of the development standards for the Downtown District, the purpose of the city's downtown and civic center areas is to "create a lively center of the city where the community of San Fernando comes together. Downtown will provide a central shopping and entertainment district for the city, and will include retail shops and services, restaurants, civic and community meeting places and entertainment venues." The

requested CUP to allow the on-site consumption of alcoholic beverages ancillary to the operation of a proposed bona fide public eating place would allow for Magaly's Tamales Restaurant to provide services customary of other similar eating establishments. Permitting the ability for a restaurant in the city's downtown to expand its business through the sale and on-site consumption of alcoholic beverages served alongside meals helps foster growth and goes toward creating a lively environment for within the city's center. Based on the foregoing, it is staff's assessment that the CUP request is consistent with all applicable development standards for the Downtown District.

3. Distance Separation Requirements. As previously noted, City Code Section 106-179(c)(1) grants bona fide public eating places like the subject restaurant an exemption from distance separation requirements that would otherwise apply to businesses seeking a CUP for either the on-site sale or off-site sale of alcoholic beverages.
4. State Provisions for Issuance of Alcohol Licenses. Pursuant to Business and Professions Code Section 23958, state law requires the California Department of Alcohol Beverage Control (ABC) to deny an alcohol license application if the proposed site is located within a census tract that has an "undue concentration" of licenses, unless certain exceptions apply. Undue concentration exists when:
 - a) The site is located in a crime reporting district that has a 20% greater number of reported crimes than the average number of reported crimes as compiled by the local Police Department during the most recent year;
 - b) As to "on-sale" retail license applications (for on-site consumption of alcoholic beverages): when the ratio of on-sale retail licenses to population in the census tract in which the proposed site is located exceeds the ratio of on-sale retail licenses to population in Los Angeles County; or
 - c) As to "off-sale" retail license applications (for off-site consumption of alcoholic beverages): when the ratio of off-sale retail licenses to population in the census tract in which the proposed site is located exceeds the ratio of off-sale retail licenses to population in Los Angeles County. (Business and Professions Code Section 23958.4(a)(1)-(3)).

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

- a) For a retail on-sale bona fide eating place license (or a retail license issued for a hotel, motel, or other lodging establishment, or a nonretail license): if the applicant shows that public convenience or necessity would be served by the issuance of the license.

- b) For any other license: if the City Council or its designated subordinate officer or body determines that public convenience or necessity would be served by the issuance of the license. (Business and Professions Code Section 23958.4(b)(1)-(2)).

The existing restaurant is located within Census Tract No. 3202.01 and has a published total population of 3,756 residents as of the 2010 United States Census. There are a total of four (4) alcohol licenses consisting of three (3) on-sale and one (1) off-sale alcohol licenses within the census tract.

A review of city and ABC records indicates that there are three (3) on-sale alcohol outlets (one (1) on-sale alcohol outlet for every 1,252 residents) within Census Tract No. 3202.01. The population in Los Angeles County is 9,818,605, with ABC records showing that a total of 11,839 on-sale alcohol licenses are active countywide. The ratio of on-sale licenses to population in Los Angeles County is one license for every 829.34 residents. The addition of one additional alcohol license to this census tract would result in one license for every 939 residents. Even with the inclusion of a new on-sale license for Magaly's Tamales Restaurant, the ratio of on-sale licenses within Census Tract No. 3202.01 will still be less than the ratio for Los Angeles County. Therefore, Census Tract No. 3202.01 does not have an undue concentration of on-sale licenses and would therefore qualify for the issuance of an alcohol permit with ABC.

For retail on-sale bona fide eating place licenses, the ABC may grant the license so long as the applicant can show to ABC that public convenience or necessity would be served by issuance of the license. To further assist the applicant and foster additional investment and revitalization of the city's downtown, the city has made proposed findings of "public convenience or necessity." The city's findings with respect to this requested CUP for on-sale alcohol for Magaly's Tamales Restaurant are also intended to reinforce that merits of this bona fide public eating place to assist ABC in their review of the on-sale alcohol license. The city's findings are provided in Section 7 of this report.

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

A CUP is subject to discretionary review by the Commission. Discretionary review is a process that permits the Commission to review individual cases for proposed uses of the land and approve a project subject to specific conditions or deny the CUP request.

Conditions of project approval imposed on the applicant through the discretionary review process may call for any measures that are reasonably related to preventing potential adverse land use and/or environmental impacts that might be associated with the project.

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

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

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

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

Magaly's Tamales Restaurant, the proposed 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. Additionally, the site would not trigger any specific distance separation requirements from any other on-sale or off-sale alcohol outlets, as exempted for bona fide eating places pursuant to City Code 106-179(c)(1). Therefore, it is staff's assessment that the proposed CUP for the ancillary sale and consumption of alcoholic beverages use is conditionally permitted within the subject zone and complies with all applicable sections of the zoning ordinance. Thus, it is staff's assessment that this finding can be made in this case.

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

Magaly's Tamales Restaurant is an established restaurant that is a permitted use within the Downtown District (City Center Sub-District) of the SP-4 (Corridors Specific Plan).

The restaurant will be relocating into a soon-to-be-rehabilitated approximate 3,510-square-foot restaurant facility located at 134 North Maclay Avenue, within the city's downtown district. As provided for in Section 1 of the development standards for the Downtown District of the SP-4 (Corridors Specific Plan) zone, the purpose of the city's downtown is to "create a lively center of the city where the community of San Fernando comes together. Downtown will provide a central shopping and entertainment district for the city, and will include retail shops and services, restaurants, civic and community meeting places and entertainment venues."

The requested CUP to allow the on-site consumption of alcoholic beverages ancillary to operation of a bona fide public eating place would allow for Magaly's Tamales Restaurant to provide services customary of other similar eating establishments. Permitting the ability for an established restaurant in the city's downtown and civic center areas to expand its business through the sale and on-site consumption of alcoholic beverages served alongside meals helps foster growth and goes toward creating a lively environment for within the city's center.

Furthermore, to ensure the protection and preservation of surrounding neighborhoods, while fostering and promoting growth in the city's downtown, the city's standard conditions for establishments requesting alcohol permits adequately prevent issues associated with loitering, noise, off-site consumption of alcohol, trash and debris, and other public nuisance conditions, pursuant to City Code Section 106-182 (b) and (c). The adopted conditions of approval ensure that any noncompliance would require corrective action from the business owner or lead to revocation of its CUP. Therefore, the proposed on-site consumption of alcohol to complement the restaurant would not impair the integrity and character of the city's downtown or the intent and purpose of the SP-4 zone for this district. Thus, it is the Planning and Preservation Commission'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 restaurant is to be housed within an existing 3,510-square-foot commercial building located within the Downtown District (City Center Sub-District) of the SP-4 (Corridors Specific Plan) zone. The project site is currently surrounded with similar commercial uses, including but not limited to: smaller eating establishments (sushi restaurant, Tommy's restaurant, Subway, eateries at Library Plaza), retail shops, professional offices and other service commercial uses. The range of uses established in and around the project site and permitted by the development standards of the downtown district encourages the establishment of uses that promote an environment for entertainment and a "lively center of the city."

The project site is physically suitable for the requested CUP for sale and on-site consumption of alcoholic beverage that would be served along with meals to patrons. The sale and consumption of alcoholic beverages would be completely self-contained within the restaurant to prevent persons from consuming alcohol outside of the premises. Thus, it is staff's assessment that this finding can be made.

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

The proposed CUP to allow for the ancillary sale and on-site consumption of alcohol with the operation of a bona fide public eating place would be compatible with those services offered to patron of similar restaurants within the city. Additionally, the mixes of public and civic facilities that are in close proximity to the proposed restaurant create an inviting environment for patrons that promote dining and entertainment type use in the center of the city, as is sought for all properties within the city's downtown and civic center areas. Thus, it is staff's assessment that this finding can be made.

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

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

The proposed use is compatible with future land uses because it promotes and implements the purposes and intent of the Specific Plan described above. The request to allow for the on-site consumption of alcoholic beverages would further augment the services the existing restaurant offers upon its relocation from 119 North Maclay Avenue to the new location at 134 North Maclay Avenue while providing the opportunity to remain competitive with other similar dining establishments that offer alcoholic beverages along with meals. Within the district, the types of permitted uses (including restaurants) are those that typically generate a significant amount of foot traffic.

The proposed use is compatible with existing land uses of the area. The district where the proposed restaurant is to be relocated, is in close proximity to established retail, personal service, restaurant and similar eating establishments that meet the purpose of the district by helping to creating “a lively center of the city where the community of San Fernando comes together.” (Section 1 of the development standards for the Downtown District, Page 70). Therefore, the requested CUP to allow for the 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 within the Downtown District (City Center Sub-District) of the SP-4 (Corridors Specific Plan) zone and the general area in which the proposed use is to be located. Thus, it is staff’s assessment that this finding can be made in this case.

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

The proposed restaurant will be adequately served by water, sanitation and public utilities. All required infrastructure and utility upgrades that are necessary at this time to establish the sale and on-site consumption of alcoholic beverages as part of the restaurant are being undertaken as part of the tenant improvement work previously reviewed and approved by the City’s Community Development and Public Works departments in compliance with the requirements of the city’s building codes and any State requirements applicable to the on-site sale and consumption of alcoholic beverages. Thus, it is staff’s assessment that this finding can be made.

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

Magaly’s Tamales Restaurant, has adequate provisions for public access through the primary entrance along North Maclay Avenue and a secondary entrance and exit that is being constructed along Second Street. Patrons seeking to dine at the restaurant and compliment their meals with an alcoholic beverage have the ability to enter the restaurant from either the primary entrance along North Maclay Avenue or the secondary entrance along the side of the property facing Second Street. On-street parking along Maclay Avenue and diagonal parking is also located along Second Street adjacent to the side of the building. Additional vehicular public parking is available to future patrons as part of existing City parking lots; one located to the rear of the project site, abutting the public alley and City Parking Lot No. 6N located south of the site on First Street. Adequate vehicular access to these city parking facilities is provided along the one-way alley behind the subject site as well as along public sidewalks on Second Street, North Maclay Avenue, and First Street. Thus, it is staff’s assessment that this finding can be made in this case.

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

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

The requested CUP for alcoholic beverages would allow for Magaly's Tamales Restaurant to augment its offerings by providing interested patrons the ability to order alcoholic beverages with their meal. The sale and on-site consumption of alcoholic beverages is a customary service offered by similar bona fide public eating places both within and outside the city. Fostering the growth of these types of establishment through the approval of a CUP for the additional service promotes investment in the city's downtown and has the potential to encourage future redevelopment of other properties with uses that meet the purpose and intent of the San Fernando Corridors Specific Plan and the Downtown District. Therefore, the proposed CUP for the on-site consumption of alcoholic beverages ancillary to the operation of a bona fide public eating place at 134 North Maclay Avenue would be appropriate in light of an established need for the use at the proposed location. Thus, it is staff's assessment that this finding can be made in this case.

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

The San Fernando Corridors Specific Plan is a component of the City's general plan. The proposed use is consistent with the Specific Plan objective to transform the city's main corridors into attractive, livable, and economically vital districts. Within the Downtown District of the Specific Plan, the establishment of retail stores, business and personal service shops, restaurants and other similar eating establishments, and civic and cultural facilities, including libraries, museums, and art galleries are principally permitted and envisioned as desired uses. Magaly's Tamales is a restaurant, and is thus consistent with General Plan objectives.

The requested permit to allow for the sale and on-site consumption of alcohol in conjunction with the operation of Magaly's Tamales Restaurant, a bona fide public eating place, would allow for a customary service to be provided to patrons with meals that enhances their dining experience while promoting the economic viability of the downtown commercial district. Permitting the ability for a restaurant in the city's downtown to expand its business through the sale and on-site consumption of alcoholic beverages served alongside meals helps foster growth and goes toward creating a lively environment within the city's downtown and civic center areas while helping to maintain an identity within the area that is distinct from surrounding communities.

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

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

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

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

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

In review of reporting data from the San Fernando Police Department for the subject property, there were a total of three (3) calls for service to 134 North Maclay Avenue between January 1, 2013 and January 22, 2016. Of the three (3) calls for service, two (2) calls were for unfounded or accidental alarms with no reportable incident, and one (1) call was for a theft of building material during the ongoing tenant improvement work. No calls for service from the subject property were alcohol related.

The requested conditional use permit to allow for the sale and on-site consumption of alcoholic beverages as an ancillary use to the bona fide public eating place, with the adoption of the recommended conditions of approval, would not encourage or intensify crime within the reporting district that it is located in. The recommended conditions approval would address potential public nuisance issues attributed to crime, noise, loitering and other disturbances that may be associated with the sale of alcohol at the subject property located at 134 North Maclay Avenue. Furthermore, noncompliance with the conditions of approval for the requested CUP would require enforcement action from the city to abate any public nuisance, with repeated noncompliance leading to potential revocation of the CUP. Thus, it is staff's assessment that this finding can be made.

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

As proposed, Magaly's Tamales Restaurant, a bona fide public eating place, would augment the services they provide by offering the sale and on-site consumption of alcoholic beverages as an ancillary use to the restaurant. Alcoholic beverages would be offered for sale to patrons of the establishment to accompany the purchase of a meal. All business activity would be limited to the confines of the existing 3,510-square-foot commercial building including the second floor patio area. Failure to address public nuisances issues associated with sale, purchase, and/or consumption of alcoholic beverages would result in city abatement action, including possible revocation of the CUP for repeated noncompliance. As part of the project, no outdoor dining area would be established or is being proposed outside of the second floor patio area.

Therefore, it is staff's assessment that the conditions of approval provide sufficient safeguards for the ongoing operation of a bona fide eating place as part of its relocation to a newly remodeled facility that includes ancillary alcoholic beverage sales that will not adversely impact any residential use, church, hospital, educational

institution, day care facility, park, or library within the surrounding area. Thus, it is staff's assessment that this finding can be made.

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

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

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

Magaly's Tamales Restaurant is located within Census Tract No. 3202.01 and has a published total population of 3,756 residents as of the 2010 United States Census. Approval of an on-sale general Type 47 license for alcohol at the subject site would result in a total of five (5) licenses in Census Tract including three (3) on-sale and one (1) off-sale alcohol licenses within the census tract. A review of City of San Fernando and the California Department of Alcoholic Beverage Control records indicates that there are currently three (3) on-sale alcohol outlets (one (1) on-sale alcohol outlet for every 1,839 residents) within Census Tract No. 3202.01.

The population in Los Angeles County is 9,818,605, with ABC records showing that a total of 11,839 on-sale alcohol licenses are active countywide. The ratio of on-sale licenses to population in Los Angeles County is one license for every 829.34 residents. The addition of one (1) additional alcohol license to this census tract would result in one license for every 939 residents. Even with the inclusion of a new on-sale license for Magaly's Tamales Restaurant, the ratio of on-sale licenses within Census Tract No. 3202.01 will still be less than the ratio for Los Angeles County. Since the ratio of on-sale licenses within Census Tract No. 3202.01 is less than the ratio for Los Angeles County, Census Tract No. 3202.01 does not have an undue concentration of on-sale licenses.

It is staff's assessment that the requested conditional use permit to allow for the sale and on-site consumption of alcoholic beverages as an ancillary use to the proposed restaurant will serve a public convenience and necessity by providing for expanded restaurant services in the district. The proposed restaurant with the CUP for the ancillary sale of alcohol will maintain the downtown and civic center areas, and in particular the City Center Sub-District, as an economically viable destination for dining, shopping and entertainment. Approval of the conditional use permit will also reduce the potential for blight impacts associated with restaurant failures and subsequent

vacancies and related public nuisances. Thus, it is staff's assessment that this finding can be made in this case.

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

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

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

In reviewing permit data from the California Department of Alcoholic Beverage Control for Census Tract 3202.01, the tract Magaly's Tamales Restaurant is located in, a total of four (4) on-sale and off-sale active alcohol licenses exist. Of the four (4) licenses that are currently active, only two (2) of these permits are for on-sale alcohol sales associated with the operation of bona fide public eating places; one (1) on-sale associated with the operation of a Veterans Club and one (1) off-sale licenses exist within the tract. Based on these findings, it is staff's assessment that sale of alcoholic beverages as part of the proposed restaurant would serve a niche market in the city, and the City Center Sub-District in particular, that is not currently filled by other existing businesses with similar alcoholic beverage licenses in the surrounding area and corresponding census tract. Thus, it is staff's assessment that this finding can be made in this case.

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

Magaly's Tamales Restaurant, the proposed bona fide public eating place at the subject site would allow for the continued economic viability of the site consistent with similar

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

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

Magaly's Tamales Restaurant, the proposed restaurant business at the subject site would allow for the continued economic viability of the district, consistent with similar commercial uses within the city's downtown and civic center areas. Currently, the site is being rehabilitated to accommodate the proposed restaurant use; construction of approximately 250 square-foot second-story dining area addition to the front of the building. The rehabilitation will also include modifications to the exterior of the façade to promote a high quality appearance and serve as a prime example of the type of development sought within the city's downtown and civic center areas. The issuance of the requested permit to allow for the sale and on-site consumption of alcoholic beverages associated with the bona fide public eating place. CUP approval of the subject site would promote the continued success of an important business type that is critical in helping redefine the city's downtown and civic center area into a more livable, walkable, and entertaining place for visitors and residents of the city. Thus, it is staff's assessment that this finding can be made in this case.

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

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

The owners and employees of Magaly's Tamales Restaurant shall be responsible for complying with these conditions of approval and all required conditions from ABC. Thus, it is staff's assessment that this finding can be made in this case.

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

Magaly's Tamales Restaurant, the existing restaurant located at 119 N. Maclay has been in operation since the 2013 and prior to that was under operation under a different name since 2005 at the aforementioned location. Magaly's Tamales Restaurant complements other existing eating establishment within the district it is located in, along with the retail and professional office and governmental uses within close proximity of the subject site. In addition, the development standards of Downtown District allow for the operation of bona fide public eating places and the consideration on-site consumption of alcoholic beverages ancillary to eating establishments through a conditional use permit. The requested conditional use permit for the consumption of alcohol in ancillary to the operation of a bona fide eating place, will complement existing uses in the district and promote the economic viability of the downtown and civic center areas as an eating and entertainment destination center for residents and visitors to the community. Thus, it is staff's assessment that this finding can be made in this case.

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

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

In review of the Police Department data from January 1, 2013 to January 22, 2016, the existing restaurant or the current operator was not reported to have any history of law enforcement problems. A total of three (3) service calls were reported to have occurred at the subject site, with two (2) calls being unfounded or accidental alarms with no reportable incident. One (1) call was for reported theft associated with the ongoing tenant improvement work to construct the new restaurant at the subject site. No calls for service from the subject property were alcohol related.

Therefore, the requested CUP to allow for the on-site consumption of alcoholic beverages as an ancillary use to the proposed bona fide public eating place is not expected to increase the demand for law enforcement calls for service to the subject

site. Furthermore, noncompliance with the conditions of approval for the requested CUP would require enforcement action from the city to abate any public nuisance, with repeated noncompliance leading to potential revocation of the CUP. It is staff's assessment that no significant criminal activity has occurred at the subject site and sufficient safeguards will be in place as part of the requested CUP to abate any potential public nuisance issues. Thus, it is staff's assessment that this finding can be made.

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

The data from the Police Department groups the information available for United States Census Tracts 3202.01 and 3202.02 as one complete reporting area, referred to as Police Department Track 2. Track 2 encompasses an area bounded by Hubbard Avenue to the northwest, Glenoaks Boulevard to the northeast, Arroyo Avenue to the southeast, and First Street to the southwest. Based on the reporting data available from the San Fernando Police Department, since January 1, 2013 to January 29, 2016, 31.5 percent of all incidents reported were generated from Track 2.

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

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

Based on reporting data provided by the San Fernando Police Department regarding alcoholic related service calls, none of the three (3) calls for service to the subject property were for alcohol related incidents. Additionally, the Police Department notes that no arrests have been made from the requested period of review from January 1, 2013 to January 22, 2016. It is not anticipated that the requested CUP to allow for the on-site consumption of alcoholic beverages as an ancillary use to the existing bona fide public eating place would increase the number alcohol-related service calls, with the recommended conditions of approval for the project.

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

CONCLUSION:

In light of the forgoing analysis, it is staff's assessment that Commission approval of the CUP for on-site consumption of alcoholic beverage ancillary to the operation Magaly's Tamales Restaurant, a bona fide public eating establishment, is warranted. Commission approval of the requested CUP for an On-sale General Alcohol Type 47 License for Magaly's Tamales Restaurant to operate at 134 North Maclay Avenue would facilitate the long time viability of the restaurant while enhancing the dining experience of customers. Commission approval of the CUP would also facilitate new services that seek to draw visitors and residents to the downtown and civic center areas in a manner consistent with the General Plan's goals and objectives and the development standards and design guidelines for the Downtown District (City Center Sub-District) of the SP-4 (Corridors Specific Plan) zone.

Based on the above findings, staff recommends that the Planning and Preservation Commission approve Conditional Use Permit 2015-04, to allow for the ancillary sale and on-site consumption of alcoholic beverages in conjunction with the operation of Magaly's Tamales Restaurant, a bona fide public eating place, pursuant to Planning and Preservation Commission Resolution 2016-002 and the Conditions of Approval attached as Exhibit "A" to the resolution (Attachment 1).

Attachments (6):

1. Planning and Preservation Commission Resolution 2016-002 and Exhibit "A": Conditions of Approval
2. Conditional Use Permit Application – CUP 2015-04
3. Notice of Public Hearing Published in the *Los Angeles Daily News*
4. Zoning & Vicinity Map
5. Project Site Photos
6. Site Plan and Floor Plans

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RESOLUTION NO. 2016-002

A RESOLUTION OF THE PLANNING AND PRESERVATION COMMISSION OF THE CITY OF SAN FERNANDO APPROVING CONDITIONAL USE PERMIT 2015-04 TO ALLOW FOR THE ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES IN CONJUNCTION WITH THE OPERATION OF “MAGALY’S TAMALES RESTAURANT” A BONA FIDE PUBLIC EATING PLACE LOCATED AT 134 NORTH MACLAY AVENUE.

WHEREAS, an application has been filed by Magaly Colelli to request review and approval of a conditional use permit to allow for the on-site consumption of alcoholic beverages ancillary to the operation of “Magaly’s Tamales Restaurant”, a bona fide public eating place at 134 North Maclay Avenue. The restaurant will occupy an approximately 3,510 sq. ft. commercial building located at 134 North Maclay Avenue, within the Downtown District (City Center Sub-District) of the SP-4 (Corridor Specific Plan) zone;

WHEREAS, the application is for an existing restaurant business currently located at 119 North Maclay Avenue, which will move across the street and a half-block away to a new location at 134 North Maclay Avenue;

WHEREAS, the applicant has requested approval of the requested a conditional use permit pursuant to Section 2.4(A) of the development standards for the Downtown District to allow for the sale and on-site consumption of alcoholic beverages (Type 47 License – Beer, Wine and Distilled Spirits) as an ancillary use to the bona fide public eating place;

WHEREAS, the Planning and Preservation Commission has considered all of the evidence presented in connection with the project, written and oral at the public hearing held on the 2nd day of February 2016.

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 3 (New Construction or Conversion of Small Structures) of San Fernando’s CEQA Guidelines;

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

SECTION 3: Pursuant to City Code Section 106-145, the Planning and Preservation Commission finds that the following findings for Conditional Use Permit 2015-04 have been justified and upheld in the affirmative because of the recommended conditions of approval regarding operating procedures governing the sale and on-site consumption of alcoholic beverages. The Planning and Preservation Commission findings are as followed:

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

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

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

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

Magaly's Tamales Restaurant is an established restaurant that is a permitted use within the Downtown District (City Center Sub-District) of the SP-4 (Corridors Specific Plan) and the restaurant will be relocating into a soon-to-be-rehabilitated approximate 3,510-square-foot restaurant facility located at 134 North Maclay Avenue, within the city's downtown district. As provided for in Section 1 of the development standards for the Downtown District of the SP-4 (Corridors Specific Plan) zone, the purpose of the city's downtown is to "create a lively center of the city where the community of San Fernando comes together. Downtown will provide a central shopping and entertainment district for the city, and will include retail shops and services, restaurants, civic and community meeting places and entertainment venues."

The requested CUP to allow the on-site consumption of alcoholic beverages ancillary to operation of a bona fide public eating place would allow for Magaly's Tamales Restaurant to provide services customary of other similar eating establishments. Permitting the ability for

an established restaurant in the city's downtown and civic center areas to expand its business through the sale and on-site consumption of alcoholic beverages served alongside meals helps foster growth and goes toward creating a lively environment for within the city's center.

Furthermore, to ensure the protection and preservation of surrounding neighborhoods, while fostering and promoting growth in the city's downtown, the city's standard conditions for establishments requesting alcohol permits adequately prevent issues associated with loitering, noise, off-site consumption of alcohol, trash and debris, and other public nuisance conditions, pursuant to City Code Section 106-182 (b) and (c). The adopted conditions of approval ensure that any noncompliance would require corrective action from the business owner or lead to revocation of its CUP. Therefore, the proposed on-site consumption of alcohol to complement the restaurant would not impair the integrity and character of the city's downtown or the intent and purpose of the SP-4 zone for this district. Thus, it is the Planning and Preservation Commission's assessment that this finding can be made.

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

The proposed restaurant is to be housed within an existing 3,510-square-foot commercial building located within the Downtown District (City Center Sub-District) of the SP-4 (Corridors Specific Plan) zone. The project site is currently surrounded with similar commercial uses, including but not limited to: smaller eating establishments (sushi restaurant, Tommy's restaurant, Subway, eateries at Library Plaza), retail shops, professional offices and other service commercial uses. The range of uses established in and around the project site and permitted by the development standards of the downtown district encourages the establishment of uses that promote an environment for entertainment and a "lively center of the city."

The project site is physically suitable for the requested CUP for sale and on-site consumption of alcoholic beverage that would be served along with meals to patrons. The sale and consumption of alcoholic beverages would be completely self-contained within the restaurant to prevent persons from consuming alcohol outside of the premises. Thus, it is the Planning and Preservation Commission's assessment that this finding can be made.

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

The proposed CUP to allow for the ancillary sale and on-site consumption of alcohol with the operation of a bona fide public eating place would be compatible with those services offered to patron of similar restaurants within the city. Additionally, the mixes of public and civic facilities that are in close proximity to the proposed restaurant create an inviting environment for patrons that promote dining and entertainment type use in the center of the city, as is sought for all properties within the city's downtown and civic center areas. Thus, it is staff's assessment that this finding can be made.

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

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

The proposed use is compatible with future land uses because it promotes and implements the purposes and intent of the Specific Plan described above. The request to allow for the on-site consumption of alcoholic beverages would further augment the services the existing restaurant offers upon its relocation from 119 North Maclay Avenue to the new location at 134 North Maclay Avenue while providing the opportunity to remain competitive with other similar dining establishments that offer alcoholic beverages along with meals. Within the district, the types of permitted uses (including restaurants) are those that typically generate a significant amount of foot traffic.

The proposed use is compatible with existing land uses of the area. The district where the proposed restaurant is to be relocated, is in close proximity to established retail, personal service, restaurant and similar eating establishments that meet the purpose of the district by helping to creating “a lively center of the city where the community of San Fernando comes together.” (Section 1 of the development standards for the Downtown District, Page 70). Therefore, the requested CUP to allow for the 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 within the Downtown District (City Center Sub-District) of the SP-4 (Corridors Specific Plan) zone and the general area in which the proposed use is to be located. Thus, it is staff’s assessment that this finding can be made in this case.

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

The proposed restaurant will be adequately served by water, sanitation and public utilities. All required infrastructure and utility upgrades that are necessary at this time to establish the sale and on-site consumption of alcoholic beverages as part of the restaurant are being undertaken as part of the tenant improvement work previously reviewed and approved by the City’s Community Development and Public Works departments in compliance with the requirements of the city’s building codes and any State requirements applicable to the on-site sale and consumption of alcoholic beverages. Thus, it is staff’s assessment that this finding can be made.

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

Magaly's Tamales Restaurant, has adequate provisions for public access through the primary entrance along North Maclay Avenue and a secondary entrance and exit that is being constructed along Second Street. Patrons seeking to dine at the restaurant and compliment their meals with an alcoholic beverage have the ability to enter the restaurant from either the primary entrance along North Maclay Avenue or the secondary entrance along the side of the property facing Second Street. On-street parking along Maclay Avenue and diagonal parking is also located along Second Street adjacent to the side of the building. Additional vehicular public parking is available to future patrons as part of existing City parking lots; one located to the rear of the project site, abutting the public alley and City Parking Lot No. 6N located south of the site on First Street. Adequate vehicular access to these city parking facilities is provided along the one-way alley behind the subject site as well as along public sidewalks on Second Street, North Maclay Avenue, and First Street. Thus, it is staff's assessment that this finding can be made in this case.

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

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

The requested CUP for alcoholic beverages would allow for Magaly's Tamales Restaurant to augment its offerings by providing interested patrons the ability to order alcoholic beverages with their meal. The sale and on-site consumption of alcoholic beverages is a customary service offered by similar bona fide public eating places both within and outside the city. Fostering the growth of these types of establishment through the approval of a CUP for the additional service promotes investment in the city's downtown and has the potential to encourage future redevelopment of other properties with uses that meet the purpose and intent of the San Fernando Corridors Specific Plan and the Downtown District. Therefore, the proposed CUP for the on-site consumption of alcoholic beverages ancillary to the operation of a bona fide public eating place at 134 North Maclay Avenue would be appropriate in light of an established need for the use at the proposed location. Thus, it is the Planning and Preservation Commission's assessment that this finding can be made in this case.

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

The San Fernando Corridors Specific Plan is a component of the City's general plan. The proposed use is consistent with the Specific Plan objective to transform the city's main corridors into attractive, livable, and economically vital districts. Within the Downtown District of the Specific Plan, the establishment of retail stores, business and personal service shops, restaurants and other similar eating establishments, and civic and cultural facilities, including libraries, museums, and art galleries are principally permitted and envisioned as desired uses. Magaly's Tamales is a restaurant, and is thus consistent with General Plan objectives.

The requested permit to allow for the sale and on-site consumption of alcohol in conjunction with the operation of Magaly's Tamales Restaurant, a bona fide public eating place, would allow for a customary service to be provided to patrons with meals that enhances their dining experience while promoting the economic viability of the downtown commercial district. Permitting the ability for a restaurant in the city's downtown to expand its business through the sale and on-site consumption of alcoholic beverages served alongside meals helps foster growth and goes toward creating a lively environment within the city's downtown and civic center areas while helping to maintain an identity within the area that is distinct from surrounding communities.

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

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

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

SECTION 4: In addition to those findings set forth in City Code Section 106-145, applications for conditional use permits involving any use that involves the sale, serving, and/or consumption of alcoholic beverages shall require the Planning and Preservation Commission to make the following findings, pursuant to City Code Section 106-178(a)(1-4):

1. That the existing or proposed use does not or will not encourage or intensify crime within the reporting district that it is located.

In review of reporting data from the San Fernando Police Department for the subject property, there were a total of three (3) calls for service to 134 North Maclay Avenue between January 1, 2013 and January 22, 2016. Of the three (3) calls for service, two (2) calls were for unfounded or accidental alarms with no reportable incident, and one (1) call was for a theft of building material during the ongoing tenant improvement work. No calls for service from the subject property were alcohol related.

The requested conditional use permit to allow for the sale and on-site consumption of alcoholic beverages as an ancillary use to the bona fide public eating place, with the adoption of the recommended conditions of approval, would not encourage or intensify crime within the reporting district that it is located in. The recommended conditions approval would address potential public nuisance issues attributed to crime, noise, loitering and other disturbances that may be associated with the sale of alcohol at the subject property located at 134 North Maclay Avenue. Furthermore, noncompliance with the conditions of approval for the requested CUP would require enforcement action from the city to abate any public nuisance, with repeated noncompliance leading to potential revocation of the CUP. Thus, it is the Planning and Preservation Commission's assessment that this finding can be made.

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

As proposed, Magaly's Tamales Restaurant, a bona fide public eating place, would augment the services they provide by offering the sale and on-site consumption of alcoholic beverages as an ancillary use to the restaurant. Alcoholic beverages would be offered for sale to patrons of the establishment to accompany the purchase of a meal. All business activity would be limited to the confines of the existing 3,510-square-foot commercial building including the second floor patio area. Failure to address public nuisances issues associated with sale, purchase, and/or consumption of alcoholic beverages would result in city abatement action, including possible revocation of the CUP for repeated noncompliance. As part of the project, no outdoor dining area would be established or is being proposed outside of the second floor patio area.

Therefore, it is the Planning and Preservation Commission's assessment that the conditions of approval provide sufficient safeguards for the ongoing operation of a bona fide eating place as part of its relocation to a newly remodeled facility that includes ancillary alcoholic beverage sales that will not adversely impact any residential use, church, hospital, educational

institution, day care facility, park, or library within the surrounding area. Thus, it is the Planning and Preservation Commission's assessment that this finding can be made.

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

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

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

Magaly's Tamales Restaurant is located within Census Tract No. 3202.01 and has a published total population of 3,756 residents as of the 2010 United States Census. Approval of an on-sale general Type 47 license for alcohol at the subject site would result in a total of five (5) licenses in Census Tract including three (3) on-sale and one (1) off-sale alcohol licenses within the census tract. A review of City of San Fernando and the California Department of Alcoholic Beverage Control records indicates that there are currently three (3) on-sale alcohol outlets (one (1) on-sale alcohol outlet for every 1,839 residents) within Census Tract No. 3202.01.

The population in Los Angeles County is 9,818,605, with ABC records showing that a total of 11,839 on-sale alcohol licenses are active countywide. The ratio of on-sale licenses to population in Los Angeles County is one license for every 829.34 residents. The addition of one additional alcohol license to this census tract would result in one license for every 939 residents. Even with the inclusion of a new on-sale license for Magaly's Tamales Restaurant, the ratio of on-sale licenses within Census Tract No. 3202.01 will still be less than the ratio for Los Angeles County. Since the ratio of on-sale licenses within Census Tract No. 3202.01 is less than the ratio for Los Angeles County, Census Tract No. 3202.01 does not have an undue concentration of on-sale licenses.

It is staff's assessment that the requested conditional use permit to allow for the sale and on-site consumption of alcoholic beverages as an ancillary use to the proposed restaurant will serve a public convenience and necessity by providing for expanded restaurant services in the district. The proposed restaurant with the CUP for the ancillary sale of alcohol will maintain the downtown and civic center areas, and in particular the City Center Sub-District, as an economically viable destination for dining, shopping and entertainment. Approval of the conditional use permit will also reduce the potential for blight impacts associated with restaurant failures and subsequent vacancies and related public nuisances. Thus, it is staff's assessment that this finding can be made in this case.

SECTION 5: Whenever a request for a determination of public convenience or necessity in connection with the issuance of a license for the sale of alcoholic beverages by the California Department of Alcoholic Beverage Control is submitted to the city, as allowed under Business and

Professions Code Section 23958.4, as the same may be amended from time to time, the Planning and Preservation Commission, in making that determination, shall consider the following:

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

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

In reviewing permit data from the California Department of Alcoholic Beverage Control for Census Tract 3202.01, the tract Magaly's Tamales Restaurant is located in, a total of four (4) on-sale and off-sale active alcohol licenses exist. Of the four (4) licenses that are currently active, only two (2) of these permits are for on-sale alcohol sales associated with the operation of bona fide public eating places; one (1) on-sale associated with the operation of a Veterans Club and one (1) off-sale licenses exist within the tract. Based on these findings, it is staff's assessment that sale of alcoholic beverages as part of the proposed restaurant would serve a niche market in the city, and the City Center Sub-District in particular, that is not currently filled by other existing businesses with similar alcoholic beverage licenses in the surrounding area and corresponding census tract. Thus, it is staff's assessment that this finding can be made in this case.

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

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

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

Magaly's Tamales Restaurant, the proposed restaurant business at the subject site would allow for the continued economic viability of the district, consistent with similar commercial uses within the city's downtown and civic center areas. Currently, the site is being rehabilitated to accommodate the proposed restaurant use; construction of approximately 250 square-foot second-story dining area addition to the front of the building. The rehabilitation will also include modifications to the exterior of the façade to promote a high quality appearance and serve as a prime example of the type of development sought within the city's downtown and civic center areas. The issuance of the requested permit to allow for the sale and on-site consumption of alcoholic beverages associated with the bona fide public eating place. CUP approval of the subject site would promote the continued success of an important business type that is critical in helping redefine the city's downtown and civic center area into a more livable, walkable, and entertaining place for visitors and residents of the city. Thus, it is staff's assessment that this finding can be made in this case.

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

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

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

Magaly's Tamales Restaurant, the existing restaurant located at 119 N. Maclay has been in operation since the 2013 and prior to that was under operation under a different name since 2005 at the aforementioned location. Magaly's Tamales Restaurant complements other existing eating establishment within the district it is located in, along with the retail and professional office and governmental uses within close proximity of the subject site. In addition, the development standards of Downtown District allow for the operation of bona fide public eating places and the consideration on-site consumption of alcoholic beverages ancillary to eating establishments through a conditional use permit. The requested conditional use permit for the consumption of alcohol in ancillary to the operation of a bona fide eating place, will complement existing uses in the district and promote the economic viability of the downtown and civic center areas as an eating and entertainment destination center for

residents and visitors to the community. Thus, it is the Planning and Preservation Commission's assessment that this finding can be made in this case.

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

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

In review of the Police Department data from January 1, 2013 to January 22, 2016, the existing restaurant or the current operator was not reported to have any history of law enforcement problems. A total of three (3) service calls were reported to have occurred at the subject site, with two (2) calls being unfounded or accidental alarms with no reportable incident. One (1) call was for reported theft associated with the ongoing tenant improvement work to construct the new restaurant at the subject site. No calls for service from the subject property were alcohol related.

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

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

The data from the Police Department groups the information available for United States Census Tracts 3202.01 and 3202.02 as one complete reporting area, referred to as Police Department Track 2. Track 2 encompasses an area bounded by Hubbard Avenue to the northwest, Glenoaks Boulevard to the northeast, Arroyo Avenue to the southeast, and First Street to the southwest. Based on the reporting data available from the San Fernando Police Department, since January 1, 2013 to January 29, 2016, 31.5 percent of all incidents reported were generated from Track 2.

This rate is proportional with the rest of the city, as this reporting track covers the largest area of land, approximately 0.96 square miles. In comparison, Tracks 1 and 2 are comprised of an area of approximately 0.73 square miles and 0.65 square miles, respectively. It is anticipated that approval of the requested CUP to allow for the sale and on-site consumption of alcoholic beverages as an ancillary use to the proposed bona fide public eating place, would not have

the effect of increasing incident reporting percentages for this reporting track. Furthermore, approval of the CUP with the recommended conditions of approval, would allow for the abatement of public nuisances associated with alcohol sale, purchase and/or consumption. Thus, it is staff's assessment that this finding can be made.

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

Based on reporting data provided by the San Fernando Police Department regarding alcoholic related service calls, none of the three (3) calls for service to the subject property were for alcohol related incidents. Additionally, the Police Department notes that no arrests have been made from the requested period of review from January 1, 2013 to January 22, 2016. It is not anticipated that the requested CUP to allow for the on-site consumption of alcoholic beverages as an ancillary use to the existing bona fide public eating place would increase the number alcohol-related service calls, with the recommended conditions of approval for the project.

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

BE IT FURTHER RESOLVED that based upon the foregoing, the Planning and Preservation Commission hereby approves Conditional Use Permit 2015-04, subject to the conditions of approval attached as Exhibit "A".

PASSED, APPROVED AND ADOPTED this 2nd day of February 2016.

THEALE E. HAUPT, CHAIRPERSON

ATTEST:

FRED RAMIREZ, SECRETARY TO THE PLANNING
AND PRESERVATION COMMISSION

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

I, FRED RAMIREZ, Secretary to the Planning and Preservation Commission of the City of San Fernando, do hereby certify that the foregoing Resolution was duly adopted by the Planning and Preservation Commission and signed by the Chairperson of said City at a meeting held on the 2nd day of February 2016; and that the same was passed by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

FRED RAMIREZ, SECRETARY TO THE PLANNING AND
PRESERVATION COMMISSION

EXHIBIT “A”
CONDITIONS OF APPROVAL

- PROJECT NO.** : **Conditional Use Permit 2015-04**
- PROJECT ADDRESS** : 134 North Maclay Avenue, San Fernando, CA 91340
Los Angeles County Assessor’s Parcel No’s.: 2519-002-009
- PROJECT DESCRIPTION** : The proposed project is a request for review and approval of a Conditional Use Permit, to allow for the on-site consumption of alcoholic beverages (“on-sale general alcohol permit”) ancillary to the operation of “Magaly’s Tamales Restaurant,” a bona fide public eating place located at 134 North Maclay Avenue. The restaurant will occupy an approximately 3,510 sq. ft. commercial building located at 134 North Maclay Avenue. The subject property is located along the east side of the 130 block of North Maclay Avenue, between First Street and Second Street; within the Downtown District, City Center Sub-District of the San Fernando Corridors Specific Plan (SP-4) Zone.

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

1. Conditional Use Permit Entitlement. The conditional use permit is granted for the land described in this application and any attachments thereto, as reviewed by the Planning and Preservation Commission on February 2, 2016, except as herein modified to comply with these Conditions of Approval.
2. Incidental Use. The conditional use permit is granted for the “incidental” on-site sale, purchase, and/or consumption of alcoholic beverages. The sale of alcoholic beverages shall be “incidental to the sale of other products” as defined in City Code Section 106-177 (Definitions). Proof satisfactory to the chief planning official shall be annually submitted to show that the sale of alcohol has remained incidental to sale of other products. The applicant shall comply with all requirements of the California Department of Alcoholic Beverage Control (ABC).
3. Licensing. The Planning and Preservation Commission’s approval of this conditional use permit shall permit the applicant to apply for a “Type 47 License” (On-Sale Beer, Wine and Distilled Spirits – Eating Place (Restaurant)) with ABC. A Type 47 License shall authorize the sale of beer, wine and distilled spirits for consumption on the premises where sold. Additionally, the business is required to operate and maintain the licensed premises as a bona fide eating place, with suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises.
4. 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 and the within the second-story dining area. 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.

5. 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.
6. 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 parking areas 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. Exterior public telephones that permit incoming calls shall not be located on the premises;
 - i. Electronic games, including video games, shall not be located on the premises;
 - j. Exterior lighting of the parking area shall provide adequate lighting for patrons while not

producing glare or light spillover disturbing surrounding residential or commercial areas;

- k. A security camera system approved by the police department shall be installed on the premises and shall be maintained in proper working order at all times. The security camera system shall be subject to inspection by the police department. The system must be capable of producing retrievable images on film or tape that can be made a permanent record and that can be enlarged through projection or other means. The video or digital recordings generated by the system shall be maintained for a period of 30 days;
 - l. The establishment shall implement preventive architectural design features as approved by the chief of police and the chief planning official in order to maintain a secure site by controlling access to the facility, open sight lines, adequate lighting levels, ambient noise levels and circulation patterns;
 - m. Special security measures such as security guards, door monitors, and burglar alarms systems may be required as a condition of approval with final determination made by the chief of police and the chief planning official on a case-by-case basis;
 - n. Litter and trash receptacles shall be located at convenient locations both inside and outside the establishment, and trash and debris shall be removed on a daily basis;
 - o. The exterior of the establishment, including all signs, accessory buildings and structures shall be maintained free of litter and graffiti at all times. All graffiti shall comply with city regulations and shall be removed from the premises within 24 hours of its discovery;
 - p. With regard to those conditional use permit applications that are approved based in part upon the fact that alcohol sales on the premises are incidental to the sale of other products, proof satisfactory to the chief planning official shall be annually submitted to show that the sale of alcohol has remained incidental to the sale of other products;
 - q. Within 30 days of approval of this conditional use permit, the applicant shall certify his or her acceptance of the conditions placed on the approval by signing a statement that he or she accepts and shall be bound by all of the conditions;
 - r. Violation of, or noncompliance with, any of the conditions of approval shall constitute grounds for revocation of this conditional use permit;
 - s. Expansion or enlargement of the business premises over the life of the structure or the use shall be subject to review by the Community Development Department as part of the conditional use permit approval process.
7. Hours of Operation. The sale of alcoholic beverages can only be sold during hours of 10:00 A.M. to 9:00 P.M. Sunday through Thursday and between 10:00 A.M. and 10:00 P.M on Friday and Saturday. The business is allowed to open at earlier start times on a daily basis in order to serve meals so long as no alcoholic beverages are sold prior to the hour of 10 A.M. The operator of the restaurant will be responsible for requiring that there be no loitering on the site at any time and that all customers shall leave the site no later than 30 minutes after closing. The doors to the establishment shall remain

closed except upon entering and exiting the business. 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.

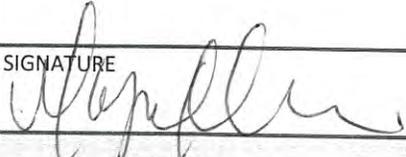
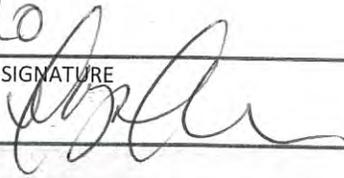
8. Signage. Windows shall comply with the city's sign regulations in order to provide clear and unobstructed view of the cash register and sales area from the public right-of-way.
9. Entertainment. No live entertainment or dancing shall be allowed within the establishment, except for table-oriented performances by mobile musicians using only non-amplified instruments, and without any interior physical improvements to accommodate stage performances. Electronic games, including video games shall not be located on the premises.
10. Revocation. Violation of, or noncompliance with, any of these conditions of approval shall constitute grounds for revocation this conditional use permit, as provided below:
 - a. Upon the issuance of, and conviction for, three zoning violation citations;
 - b. Upon the revocation of the alcoholic license by ABC;
 - c. Upon any two disciplinary actions by ABC in the form of a fine or suspension of the alcoholic license, during the term of the CUP; or
 - d. Where conditions and activities on and/or adjacent to an off-sale or on-sale outlet, as defined herein, interfere with the quiet enjoyment of life and property in the neighborhood, or are or tend to be, injurious to health and safety of persons in the neighborhood. These include, but are not limited to the following:
 - i. Excessive noise, noxious smells or fumes, loitering, littering, curfew violations, disturbing the peace, illegal drug activity, public drunkenness, drinking in public, public urination, public vandalism, graffiti, lewd conduct, gambling, harassment of passersby, prostitution, sale of stolen merchandise, illegal parking, traffic violations, theft, assaults, batteries;
 - ii. Illegal sale, manufacture, storing, possession, distribution of alcoholic beverages; or,
 - iii. Police detention, citation, and/or arrests for these or any other unlawful activity attributed to the sale and/or consumption of alcoholic beverages declared by the city to be a public nuisance.

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

nuisance or preclude the undesirable activities or behaviors which have generated the increased demand for law enforcement services.

11. Property Maintenance. The subject site and its immediate surrounding area shall be maintained in a clean, neat and orderly manner at all times and shall comply with the property maintenance standards as set forth in the San Fernando City Code.
12. 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.
13. 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.
14. Acceptance. Within thirty (30) days of approval of this conditional use permit, the restaurant operator(s) or their duly authorized representatives shall certify the acceptance of the conditions of approval by signing a statement using an acceptance affidavit form provided by the City of San Fernando that acknowledges acceptance of and commitment to adhere to all of the conditions of approval.
15. Recordation. The applicant shall provide the community development department with proof that the conditions of approval have been recorded with the Los Angeles Registrar Recorder/County Clerk's Office.
16. Public Review of Conditions of Approval. A copy of these conditions of approval shall be retained on-site at all times during the hours of operation of the restaurant and shall be made available for viewing upon public request or upon request by any city official and representative of ABC. Employees of the restaurant shall not prohibit a request of the public to view the conditions of approval for this entitlement.
17. Expiration. This conditional use permit shall become null and void unless exercised by initiating substantive action to implement the operation permitted by this entitlement within twelve (12) months of final approval; or until such additional time as may be granted by the community development department upon receipt of a request for an extension received prior to such expiration date. Subsequent failure to obtain and exercise an active business occupancy permit shall also cause expiration of the conditional use permit.

CONDITIONAL USE PERMIT APPLICATION

PROJECT INFORMATION			
SITE ADDRESS(ES) 134 N. Maclay Ave, San Fernando			
ASSESSORS PARCEL NUMBER(S) "APN" 2519-002-009.			
LOT SIZE 3,588 sq. ft.	EXISTING BUILDING (SQUARE FOOTAGE) 3510 sq. ft.		
PROPOSED ADDITION (SQUARE FOOTAGE) N/A	TOTAL PARKING SPACES (ON-SITE/OFF-SITE) Street/Alley Parking		
PROPOSED USE(S) Restaurant w/ Alcohol Serv.	LANDSCAPING (SQUARE FOOTAGE)		
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> Full Liquor License, Beer and Wine, distilled Spirits For The on site consumption associated w/ Restaurant use.			
APPLICANT INFORMATION			
APPLICANT NAME Magaly Colelli, Magaly's Tamales		PHONE NUMBER 818-266-9792	
MAILING ADDRESS 134 N. Maclay Ave, San Fernando			
FAX NUMBER N/A	EMAIL ADDRESS magalys.tamales@yahoo.com	SIGNATURE 	
PROPERTY OWNER INFORMATION			
PROPERTY OWNER NAME Magaly Colelli/134 N. Maclay, LLC		PHONE NUMBER 818-266-9792	
MAILING ADDRESS 134 N. Maclay Ave, San Fernando			
FAX NUMBER N/A	EMAIL ADDRESS magalys.Tamales.yahoo.com	SIGNATURE 	
FOR OFFICE USE ONLY			
CUP APPLICATION \$ 3,005.00	ZONE SP-4 Downtown Dist City Center	GENERAL PLAN AREA	FILE NUMBER PL1506321
AIMS SURCHARGE \$ 300.50	DATE FILED 12/10/15		CUP NO. 2015-004
ENVIRONMENTAL \$ 204.00	ACCEPTED BY HQ		AIMS NO.
NOTIFICATION \$ 120.00			CROSS REFERENCE
PUBLISHING \$ 600.00			SPR NO.
TOTAL FEE \$4,229.50			VAR NO.
COMMENTS			OTHER

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PROOF OF PUBLICATION AFFIDAVIT
(2015.5 C.C.P.)

STATE OF CALIFORNIA,
County of Los Angeles,

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the

Daily News

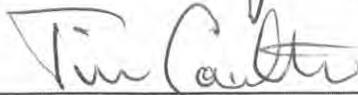
a newspaper of general circulation published 7 times weekly in the County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Los Angeles, State of California, under the date of May 26, 1983, Case Number Adjudication #C349217; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil) has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit: January 21,

all in the year 20 16.....

I certify (or declare) under penalty of perjury that the forgoing is true and correct.

Dated at Woodland Hills,

California, this 21st day of Jan, 20 16.....



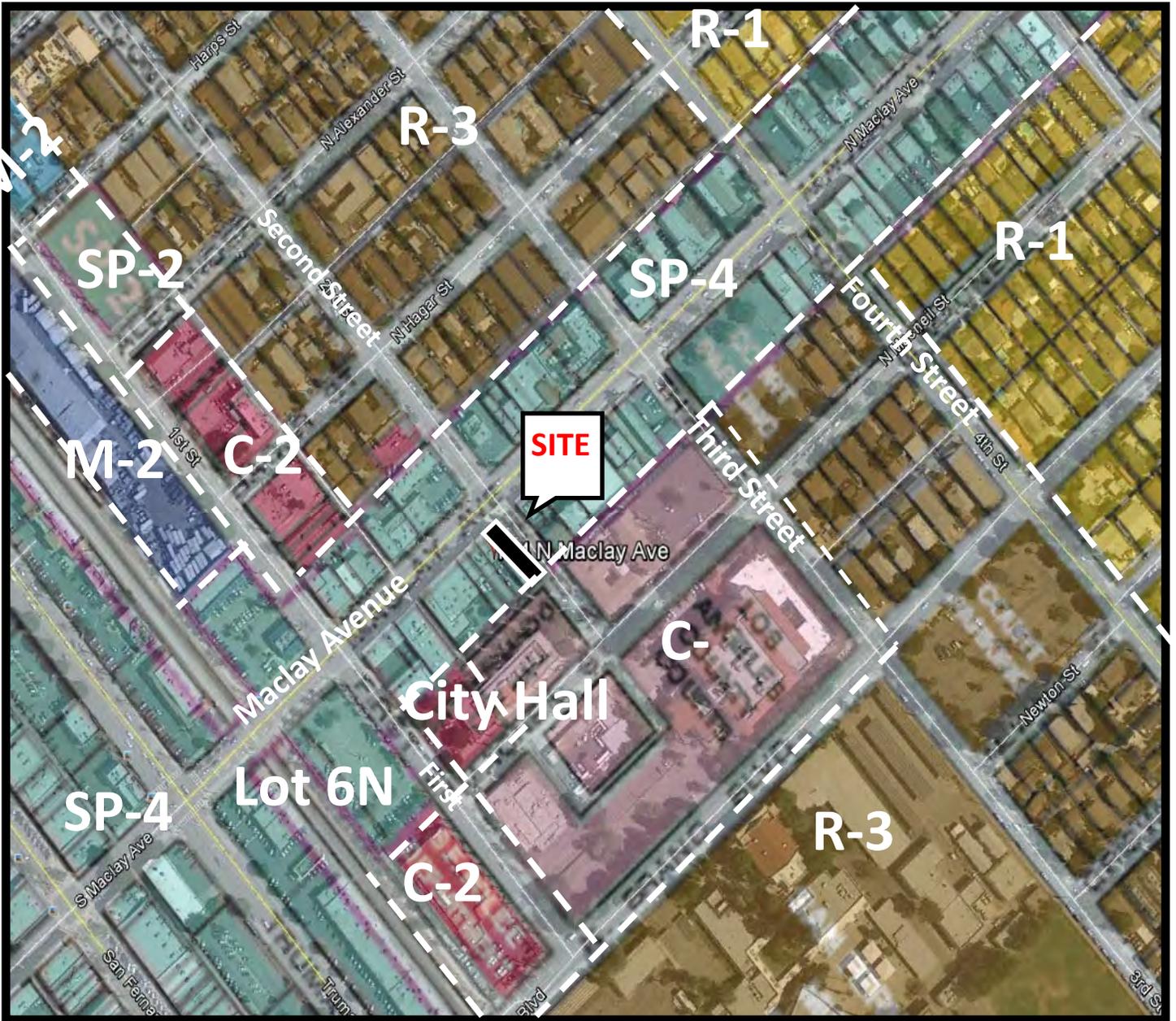
Signature

Proof of Publication of

Notice of Public Hearing

(DAILY NEWS)
**NOTICE OF A PUBLIC HEARING
THE CITY OF SAN FERNANDO PLANNING
AND PRESERVATION COMMISSION**
A public hearing on this matter and associated potential environmental impacts, if any, will be conducted by the City of San Fernando Planning and Preservation Commission on:
DATE: Tuesday, February 2, 2016
TIME: 6:30 p.m.
HEARING LOCATION:
City Hall Council Chambers,
117 Macneil Street, San Fernando, CA 91340
PROJECT LOCATION: 134 N. Maclay Avenue, San Fernando, CA 91340 (Los Angeles County Assessor's Parcel No.: 2519-002-009)
APPLICATION: Conditional Use Permit 2015-004
PROJECT PROPONENT: Magaly's Tamales Restaurant "c/o Magaly Colelli", 134 N. Maclay Avenue, San Fernando, CA 91340
PROJECT DESCRIPTION:
The Project is a request for the approval of a conditional use permit to allow for the on-site consumption of beer, wine and distilled spirits at a proposed restaurant (On-Sale General for Bona Fide Public Eating Place license), at the property located at 134 N. Maclay Avenue. The subject property is located along the east side of the 130 block of North Maclay Avenue, between First Street and Second Street; within the Downtown District, City Center Sub-District of the San Fernando Corridors Specific Plan (SP-4) Zone.
This project has been reviewed for compliance with the California Environmental Quality Act (CEQA). Based on that assessment, the project has been determined to be Categorically Exempt under Class 1 (Existing Facilities) of the City's adopted local CEQA Guidelines.
If you wish to challenge the action taken on this matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of San Fernando at, or prior to, the public hearing.
For further information regarding this proposal, please contact Community Development Director Fred Ramirez at (818) 898-1227 or by written correspondence to: City of San Fernando, Community Development Department, 117 Macneil Street, San Fernando, CA 91340-2993.
/s/ **FRED RAMIREZ**
Community Development Director
Publish January 21, 2016

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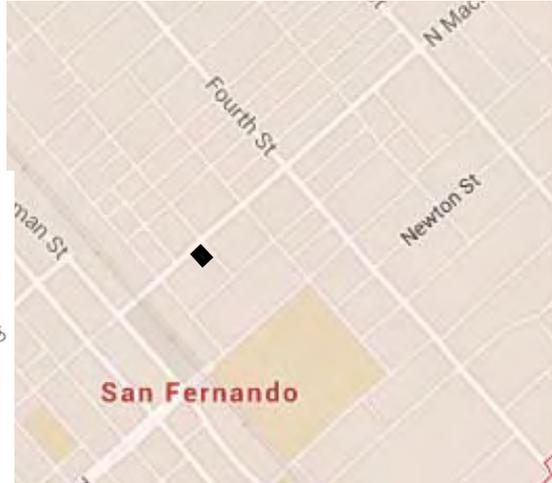


THE CITY OF SAN FERNANDO

Zoning & Vicinity Map

CASE NO: CUP 2015-04

ADDRESS: 134 N. Maclay Avenue



San Fernando

Scale: NTS

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View of Subject site looking east from Maclay Avenue.



View of Subject site looking south from Second Street.



Subject Site Photos

CASE NO: CUP 2015-04

ADDRESS: 134 N. Maclay Avenue



View looking Northeast from subject site on Maclay Avenue.



View looking East from subject site on Maclay Avenue.



Vicinity Photos

CASE NO: CUP 2015-04

ADDRESS: 134 N. Maclay Avenue

MAGALY'S TAMALES

IF THESE DRAWINGS ARE SMALLER THAN 24" X 36" THEY HAVE BEEN REDUCED.
CONTRACTOR SHALL VERIFY ALL DIMENSIONS.
THESE DRAWINGS AND SPECIFICATIONS AS INSTRUMENTS OF SERVICE REMAIN THE PROPERTY OF MDM ARCHITECTS AND SHALL NOT BE USED FOR ANY OTHER PURPOSE OTHER THAN THOSE FOR WHICH THEY HAVE BEEN SUPPLIED OR PREPARED. THESE DRAWINGS SHALL NOT BE REPRODUCED, COPIED, OR FACED WITHOUT THE EXPRESS WRITTEN CONSENT OF THE ARCHITECT.
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FIRE NOTES:

- A. PLANS:**
2. Building address shall be provided at or near the entrance of the building in accordance to L.A.M.C. 57.09.11.
3. Maximum occupant load for this assembly occupancy is 413 as per L.A.M.C. 57.33. Final approval of the occupant load is contingent upon field inspection and obtaining a Fire Permit to operate that portion of the premises as an assembly occupancy.
6. Complete the enclosed Hazardous Material Information form and return with this Plan check sheet.
1. Provide approved occupancy/area separations:
2. Distance from property line:
3. Provide protected openings:
4. Stairs and Stairways:
5. Construction requirement(s):
6. Area of exterior openings that are required to be protected shall not exceed 50 percent of the total area of the wall in each story. (Section 503.2.2)
8. Buildings housing Group A and E Occupancies shall front directly on or discharge to a public street not less than 20 feet in width.

- C. CORRIDORS AND HALLWAYS:**
(C.C.R. Title 24, Part 2)
1. Corridor/hallway shall be so arranged that it is possible to go in either direction from any point in a corridor/hallway to a separate exit. (Section 1004.2.6)
2. Corridors shall not be interrupted by intervening rooms. (Section 1004.3.4.4)
3. Dead-end hallways, corridors, passageways, and exit balconies are limited to 20 feet in length. (Sections 1004.2.6 & 1005.3.4.6)
4. Provide one-hour fire-resistive construction for the corridor(s) (walls and ceilings) (Section 1004.3.4.3)
5. Doors opening into one-hour fire-resistive corridor shall be protected with a smoke or draft-stop fire assembly having a minimum 20-minute rating. Door and frame shall bear an approved label showing the rating followed by the letter "S". (Section 1004.3.4.3.2.1)
6. Windows in one-hour corridor shall be limited to fixed glazing of 45 minute fire rating and shall not exceed 25% of corridor/room common wall. (Section 1004.3.4.3.2)
7. Elevator doors shall not open directly into one-hour corridors. Elevator lobbies shall of 1 hour construction with 20/45 minute doors. (Section 1004.3.4.5)

- D. INTERIOR FINISHES AND FLAME RETARDANT:**
(C.C.R. Title 24, Part 2, Chapter 8)
1. Interior wall and ceiling finishes shall comply with Table 8B.
2. Interior wall and ceiling finishes for assembly (classroom, dining, bar) and areas shall not exceed a flame-spread class II.
3. Interior wall and ceiling finishes for exit corridors shall not exceed a flame-spread class I.
4. Interior wall and ceiling finishes for enclosed stairway shall not exceed a flame-spread class I.
5. Folding partition walls shall be non-combustible have flame spread as specified in Table 8B. (Section 601.5.3)
6. Textile wall Covering shall comply with Section 805.
7. Any decorations shall be noncombustible or flame-retardant treated in an approved manner (curtains, drapes, shades, hangings, etc.) (L.A.M.C. 57.22)

- E. SIGNS**
1. Provide exit signs and directional exit signs with minimum 6" high by 34" stroke block letters on a contrasting background. Spacing between signs shall not exceed 100 feet. (L.A.M.C. 57.33; C.C.R. Title 24, Part 2, Chapter 10)
2. Provide approved low-level exit signs in all interior exit corridors. (Title 24, Part 2, Chapter 10)
3. Whenever the building is occupied, exit signs shall be lighted so that they are clearly visible. (L.A.M.C. 57.33)
F. FIRE PROTECTION EQUIPMENT:
(L.A.M.C. 57.140)
1. Provide a portable fire extinguisher with a rating of not less than 2-A or 2-A10BC within 75 feet travel distance to all portions of the building on each floor; also during construction.
2. Provide portable fire extinguisher with a rating not less than 10BC for electrical room, mechanical room.
4. Provide fire extinguisher as required by Fire Department field inspector.
6. Extend or Modify existing automatic fire extinguishing system, as needed, to be approved by Building and Safety Mechanical Plan Check prior to

- G. FIRE ALARM:**
2. provide and upgrade fire alarm system for entire building
4. Provide collision barriers adequate to protect control meters, regulators, and piping for hazardous materials that are exposed to vehicular damage. (L.A.M.C. 57.20)
5. Roof covering shall conform with Table 15A (L.A.M.C. 91.1501)
7. Fire dampers shall be provided where ducts penetrate fire-rated walls or ceilings. (Title 24; Chapter 32, U.B.C.)

- I. MEANS OF EGRESS:**
(C.C.R., Title 24, Part 2, Chapter 10; L.A.M.C. 57.33)
4. Means of egress must have continuous, unobstructed, and unimpeded path to a public way.
7. Exit passageways shall have walls, floor & ceiling 1 hour(s) construction, with no openings except required exit openings protected with hour(s) fire assemblies.
9. An exit walkway with a minimum width of 48" shall be maintained continuously to a public way.
10. Exit paths or walkways to public way shall be clearly delineated. Exit paths may be delineated by painted lines, railings, barrier posts, walks, or other approved means.
12. Exit doors shall swing in the direction of exit travel when serving 50 or more persons and in any hazardous area or Group H occupancy.
14. Double-acting doors shall not be used when occupant load served by door is 100 occupants or more.
15. Openings in exterior walls below and within 10 feet of an exterior stairway or unprotected openings in an interior exit stairway shall be protected fire assemblies having a three-fourths-hour fire protection rating. (Section

- 1003.3.3.10)
16. Every exit door shall be operable from the inside without the use of a key, tool, or special knowledge or effort. Special locking devices shall be an approved type.
17. Panic hardware shall be provided on exit doors handling an occupant capacity of 50 or more persons, from any Group A, E, or I occupancy; and for H 1, 2, 3, 6, 7, 8 occupancy and sound stages. Only panic hardware approved and listed by the State Fire Marshal shall be installed.
18. Aisles leading to required corridors and exits shall have a minimum width of 44".
19. Fire assemblies installed across exit corridors shall be automatic-closing fire assemblies activated by a smoke detector. All hold-open devices shall be listed for the purpose. (Title 24, Part 2, Sec. 713.6)
20. Means of egress shall be illuminated at a minimum intensity of 1 foot-candle at the floor level.
21. Means of egress illumination shall be provided from an emergency power system

CODES:

THE 2013 CALIFORNIA BUILDING, ELECTRICAL, MECHANICAL, PLUMBING, GREEN BUILDING CODES

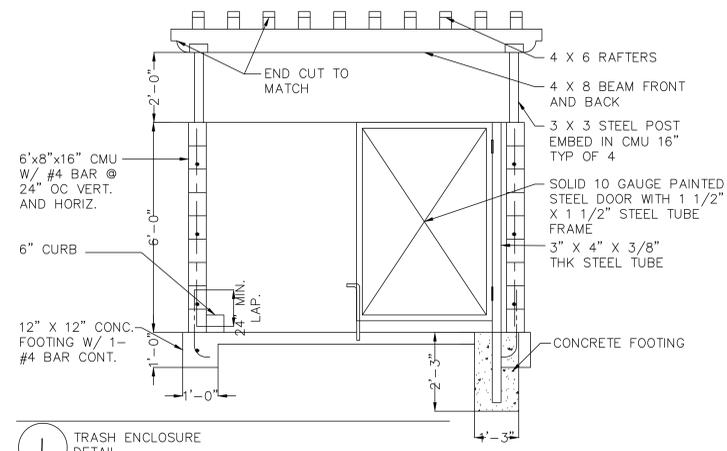
DESCRIPTION:

PROJECT TYPE - RESTAURANT
AREA 3,510 SF

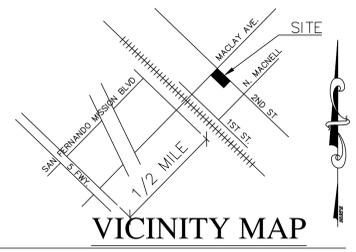
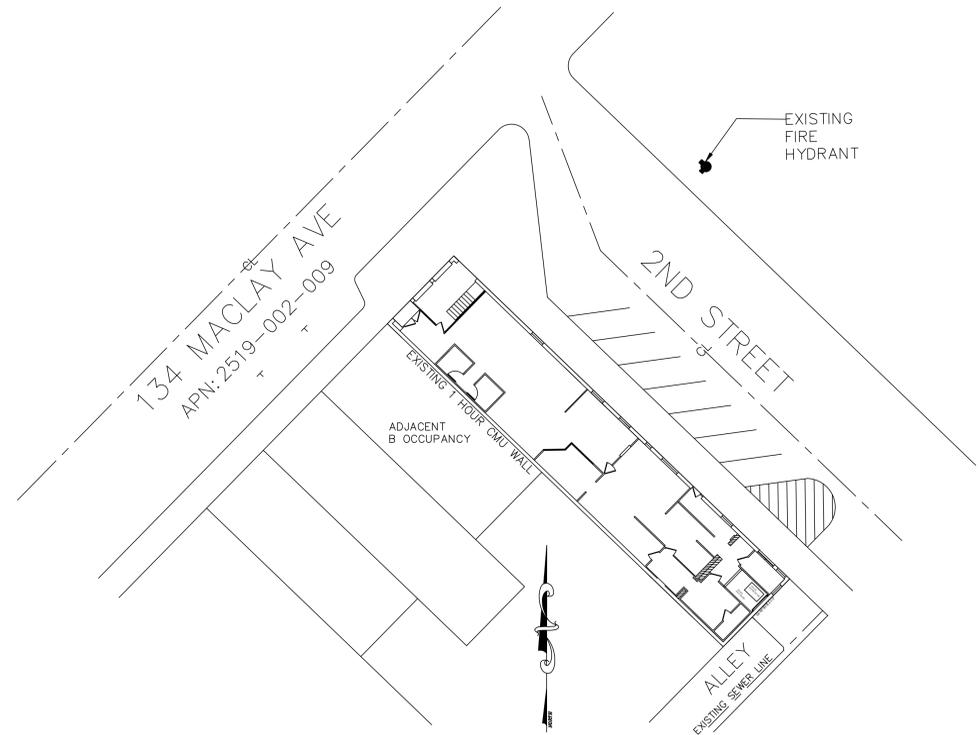
CONSTRUCTION TYPE IIIB
OCCUPANCY A-2

INDEX

- A-1.0 COVER SHEET
- A-2.0 NOTES
- A-2.1 NOTES
- A-2.2 NOTES
- A-3.0 FLOOR PLAN
- A-3.1 DEMOLITION PLAN
- A-3.2 EQUIPMENT SCHEDULE, DETAILS
- A-4.0 ELEVATIONS
- M-1.0 MECHANICAL PLAN
- M-1.1 MECHANICAL NOTES
- M-2.0 TITLE 24 DOCUMENTATION
- E-1.0 ELECTRICAL PLAN
- E-1.1 ELECTRICAL SCHEDULE
- E-2.0 LIGHTING PLAN
- E-3.0 TITLE 24 LIGHTING DOCUMENTS
- E-3.1 TITLE 24 LIGHTING DOCUMENTS
- E-3.2 TITLE 24 LIGHTING DOCUMENTS
- E-3.3 TITLE 24 LIGHTING DOCUMENTS
- P-1.0 WASTE PLAN
- P-1.1 PLUMBING NOTES
- P-2.0 SUPPLY PLAN
- P-3.0 GAS SUPPLY
- S-1.0 FRAMING PLAN
- S-2.0 FRAMING DETAILS



1 TRASH ENCLOSURE
DETAIL
SCALE: 1/2" = 1'-0"
NOTE: SIZE PER PLAN



SITE PLAN
SCALE: 1" = 20'

REVISIONS

COVER SHEET
SITE PLAN
SCALE AS NOTED

DATE: 9-12-15
CHECKED BY: MM
DATE: 9-12-15
DRAWN BY: MM

MDM ARCHITECTS
WE CREATE AND IMPROVE THE SPACES WHERE WE LIVE, WORK, AND PLAY
759 WEST LANCASTER BLVD. LANCASTER, CA. 93534 (661) 940-3668
PROJECT: MAGALY'S TAMALES
134 MACLAY AVE
SAN FERNANDO, CA 91340
618.637.3524

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DOOR REQUIREMENTS:

WHEN INSTALLED, EXIT DOORS SHALL BE CAPABLE OF OPENING SO THAT THE CLEAR WIDTH OF THE EXIT IS NOT LESS THAN 32". CBC 11B-404.2.3 AND FIG 11B-404.2.3

THRESHOLDS, IF PROVIDED AT DOORWAYS, SHALL BE 1/2" HIGH MAXIMUM. RAISED THRESHOLDS AND CHANGES IN LEVEL AT DOORWAYS SHALL COMPLY WITH SECTIONS 11B-302 AND 11B-303, CBC 11B-404.2.5

SWINGING DOOR AND GATE SURFACES WITHIN 1'0" OF THE FINISH FLOOR OR GROUND MEASURED VERTICALLY SHALL HAVE A SMOOTH SURFACE ON THE PUSH SIDE EXTENDING THE FULL WIDTH OF THE DOOR OR GATE. PARTS CREATING HORIZONTAL OR VERTICAL JOINTS IN THESE SURFACES SHALL BE WITHIN 1/8" OF THE SAME PLANE AS THE OTHER AND BE FREE OF SHARP OR ABRASIVE EDGES. CAVITIES CREATED BY ADDED KICK PLATES SHALL BE CAPPED. SLIDING DOORS ARE NOT REQUIRED TO COMPLY. TEMPERED GLASS DOORS WITHOUT STILES AND HAVING A BOTTOM RAIL OR SHOE WITH THE TOP LEADING EDGE TAPERED AT 60 DEGREES MINIMUM FROM HORIZONTAL SHALL NOT BE REQUIRED TO MEET THE 1'0" REQUIREMENT. CBC 11B-404.2.10

MAXIMUM EFFORT TO OPERATE EXTERIOR OR INTERIOR DOORS WITH CLOSERS SHALL NOT EXCEED FIVE POUNDS. THIS MAY BE INCREASED TO 15 POUNDS FOR FIRE-RATED DOORS. CBC 11B-404.2.9

HANDLES, PULLS, LATCHES, LOCKS, AND OTHER OPERABLE PARTS ON DOORS AND GATES SHALL BE OPERABLE WITH ONE HAND AND SHALL NOT REQUIRE TIGHT GRASPING, PINCHING, OR TWISTING OF THE WRIST. THE FORCE REQUIRED TO ACTIVATE OPERABLE PARTS SHALL BE 5 POUNDS MAXIMUM. CBC 11B-404.2.7, 11B-309.4

THE WIDTH OF THE LEVEL AREA ON THE SIDE TO WHICH THE DOOR SWINGS SHALL EXTEND 24" PAST THE STRIKE EDGE OF THE DOOR FOR EXTERIOR DOORS AND 18" PAST THE STRIKE EDGE FOR INTERIOR DOORS. CBC 11B-404.2.4.1 AND FIG 11B-404.2.4.1

FINISH REQUIREMENTS:

INTERIOR WALL AND CEILING FINISHES SHALL BE CLASSIFIED IN ACCORDANCE WITH BUILDING CODE 803 AND TABLE 803.9. FIRE CODE SEC. 803 AND TABLE 803.3

CLASS C MATERIALS REQUIRED FOR ALL FINISHES

VINYL CEILING TILES TO BE "ARMSTRONG AMASHIELD #819 POLYVINYL-FACE MINERAL FIBERBOARD PANELS

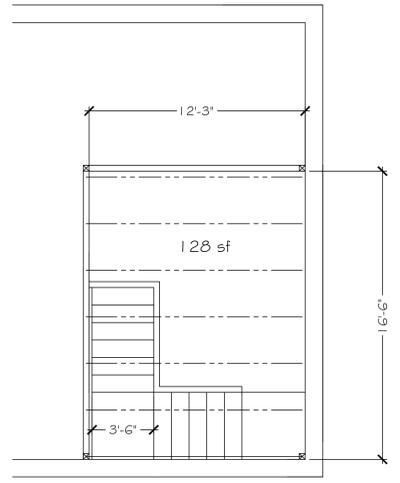
QUARRY TILE TO BE DAL-TILE ROUGE DIABLO QUARRY TILE SHADE #55502

SG PAINT - SEMI-GLOSS ENAMEL

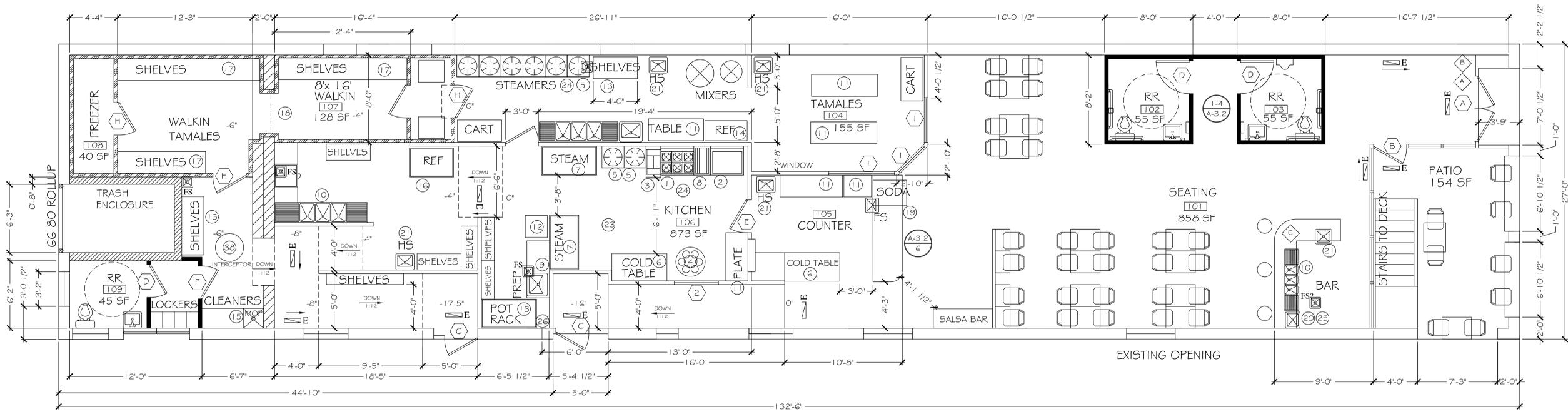
WINDOW SCHEDULE				
#	SIZE	TYPE		
1	CUSTOM	ALUMINUM FRAME - SINGLE PANE		
2	4030	ALUMINUM FRAME - SINGLE PANE		

DOOR SCHEDULE				
X	SIZE	FRAME	FINISH	HARDWARE
A	30 68 DOUBLE	ALUM	GLASS	EXISTING STOREFRONT DOOR PANIC HARDWARE
B	30 68	ALUM	GLASS	EXTERIOR TIGHT FITTING W/ SELF CLOSER PANIC HARDWARE
C	30 68	METAL	METAL	EXTERIOR TIGHT FITTING W/ SELF CLOSER PANIC HARDWARE
D	30 68	TIMELY	WOOD	PRIVACY LATCH
E	30 68 DUAL SWING	METAL	WOOD	PUSH/PULL HARDWARE
F	30 68	METAL	WOOD	LEVER
G	30 68	METAL	WOOD	LEVER LOCKSET
H	30 68	METAL	METAL	WALK IN DOOR - BY OTHERS
I	30 68	METAL	METAL	WALK IN DOOR - BY OTHERS

FINISH SCHEDULE					
#	ROOM	WALLS	CEILING	BASE	FLOOR
101	MAIN DINING	DRYWALL	SUSP. CEIL	NONE	CERAMIC TILE
102	RESTROOM	TILE TO 48" AFF	HARD LID SG PAINT	TILE TO 6" AFF 3/8" R COVE	CERAMIC TILE
103	RESTROOM	TILE TO 48" AFF	HARD LID SG PAINT	TILE TO 6" AFF 3/8" R COVE	CERAMIC TILE
104	TAMALE KITCHEN	FRP	SUSP. CEIL VINYL TILES	TILE TO 6" AFF 3/8" R COVE	QUARRY TILE
105	COUNTER	DRYWALL	SUSP. CEIL	TILE TO 6" AFF 3/8" R COVE	QUARRY TILE
106	KITCHEN	FRP 55 BEHIND COOK LINES	HARD LID SG PAINT	TILE TO 6" AFF 3/8" R COVE	QUARRY TILE
107	WALK IN	SS	SS	QUARRY TILE	QUARRY TILE
108	FREEZER	SS	SS	QUARRY TILE	QUARRY TILE
109	RESTROOM	TILE TO 48" AFF	HARD LID	TILE TO 6" AFF 3/8" R COVE	CERAMIC TILE
110	OFFICE	DRYWALL	SUSP. CEIL	NONE	CERAMIC TILE



DECK PLAN
 SCALE: 1/4" = 1'-0"



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

- ◻ ILLUMINATED EXIT SIGN W/ BATTERY BACK UP
- ◻ SIGNAGE: "MAXIMUM OCCUPANTS: 76"
- ◻ SIGNAGE: "THIS DOOR TO REMAIN UNLOCKED WHEN THE BUILDING IS OCCUPIED."
- ◻ BAR TOP TO BE STAINLESS STEEL
- ⊗ EQUIPMENT AS NOTED ON A-3.2

WALL LEGEND

	EXISTING 12" CMU WALLS
	PROPOSED 2X4 @ 16" O.C. WALLS
	WALK IN SS WALLS BY OTHERS
	EXISTING INTERIOR CMU WALLS

EXIT ANALYSIS

75.8 OCC
 75.8 x 0.2 INCHES = 15.16" MIN REQ < 64" CLR (2 EXITS PROVIDED)

PLUMBING OCCUPANCY:

DINING: 858/30 = 28.6 OCC
 KITCHEN: 1860/200 = 9.3 OCC
 38 OCCUPANTS TOTAL - 19 MEN/19 WOMEN

MEN: 1 TOILET / 1 URINAL / 1 LAV REQ'D
 WOMEN: 2 TOILET / 1 LAV REQ'D

INTERIOR OCCUPANCY CHAPTER 10 BC

1. DINING: 858/15	57.2
2. KITCHEN: 1860/100	18.6
3. PATIO: 154/15	10.3
4. UPPER DECK: 128/15	8.5
TOTAL INTERIOR:	94.6

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

MDM ARCHITECTS
 WE CREATE AND IMPROVE THE SPACES WHERE WE LIVE, WORK, AND PLAY
 759 WEST LANCASTER BLVD. LANCASTER, CA. 93534 (661) 940-3668

PROJECT: MAGALYS TAMALES
 134 MACLAY AVE
 SAN FERNANDO, CA 91340
 818.637.3524

PROJECT NO: 151622
 SHEET NO: A-3.0

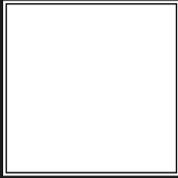
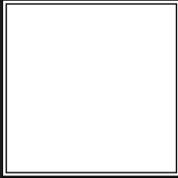
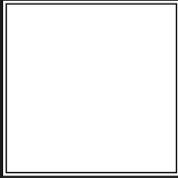
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REVISIONS

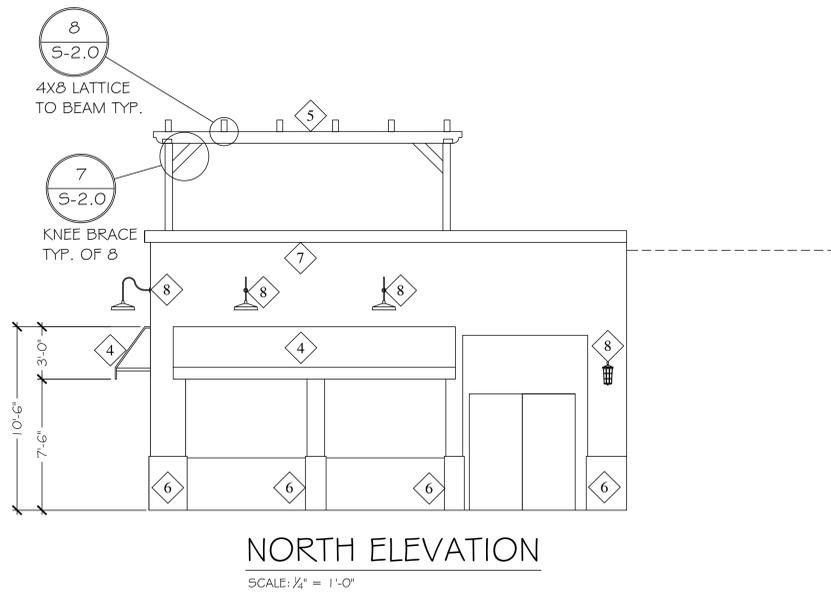
DRAWING: ELEVATIONS
 SCALE: 1/4" = 1'-0"

DATE: MM
 CHECKED BY: MM
 DRAWN BY: MM
 PROJECT NO: 151622
 SHEET NO: A-4.0

MDM ARCHITECTS
 WE CREATE AND IMPROVE THE SPACES WHERE WE LIVE, WORK, AND PLAY
 759 WEST LANCASTER BLVD. LANCASTER, CA. 93534 (661) 940-3668
 PROJECT BY: MAGALYS TAMALES
 134 MACLAY AVE
 SAN FERNANDO, CA 91340
 818.837.3524



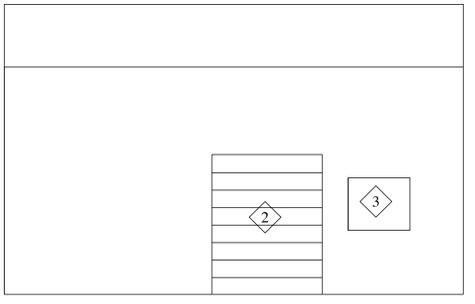
PROJECT: 151622
 SHEET: A-4.0



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

ELEVATION NOTES

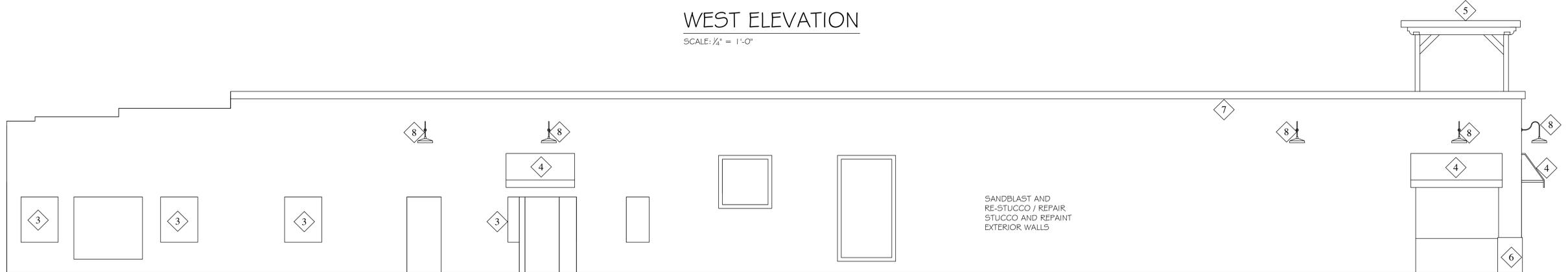
- 1 EXISTING WINDOWS TO BE FILLED WITH CMU TO COMPLETE 4 HR WALL
- 2 PROPOSED ROLL UP DOOR
- 3 PAINT WINDOWS
- 4 AWNING - BY OWNER
- 5 PROPOSED LATTICE STRUCTURE
- 6 BUILT UP COLUMN BASES
- 7 FOAM CORNICE
- 8 WALL MOUNTED LIGHTING FIXTURE - BY OWNER



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



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



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

ELEVATION NOTES:
 REMOVE ALL SECURITY BARS ON WINDOWS AND DOORS

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

FOR OTHER: PP

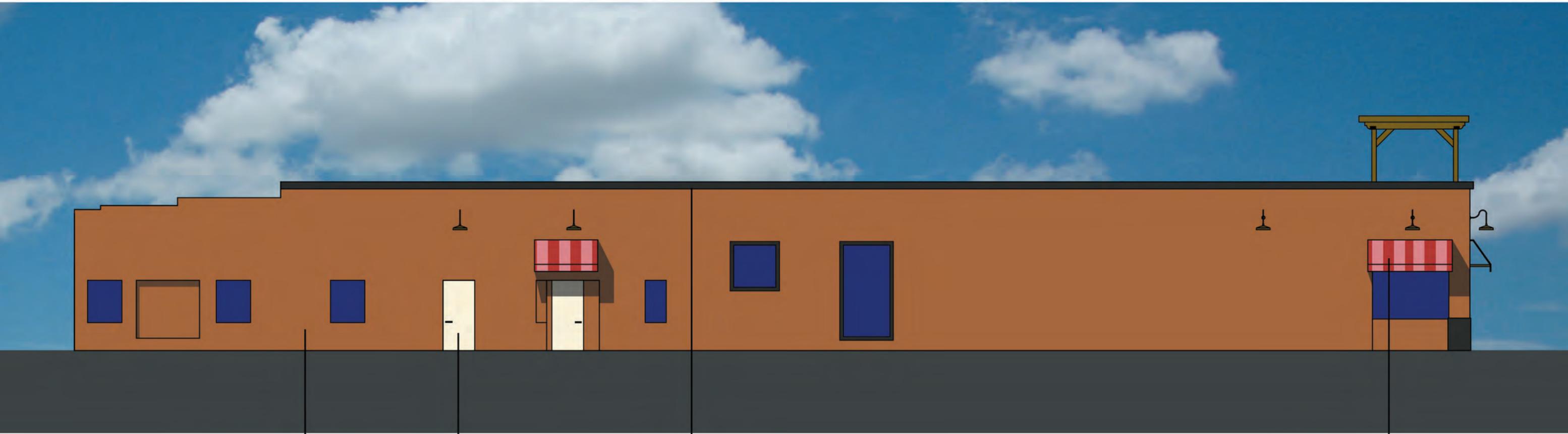


Stucco
DET630

Canvas
DEA106
DE5108

Stucco
DE5272

North Elevation
Magaly's Tamales
134 Maclay Ave.



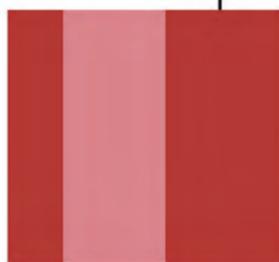
Stucco
DE5272



Doors
DEW321



Stucco
DET630



Canvas
DEA106
DE5108

East Elevation
Magaly's Tamales
134 Maclay Ave.