

ORDINANCE NO. 1634

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO ADOPTING ZONE MAP AMENDMENT 2014-001, AMENDING THE ZONING MAP OF THE CITY OF SAN FERNANDO TO REZONE PORTIONS OF 1140-1148 SAN FERNANDO ROAD FROM THE TRUMAN/SAN FERNANDO DISTRICT AND MIXED-USE TRANSITION SUB-DISTRICT OF THE SP-4 (CORRIDORS SPECIFIC PLAN) ZONE TO THE DOWNTOWN DISTRICT AND SAN FERNANDO MALL DISTRICT OF THE SP-4 (CORRIDORS SPECIFIC PLAN) ZONE

WHEREAS, Aszkenazy Development, Inc. (c/o Ian Fitzsimmons), hereinafter referred to as “Applicant,” has submitted an application for approval of a Zone Map Amendment 2014-001, Variance 2014-001, and Site Plan Review 2014-008 to construct a new four-story mixed-use development with three floors of residential totaling approximately 77,523 with 101 one-bedroom residential units and a first floor with approximately 17,455 square feet dedicated for street level retail/service uses and 108 on-site parking spaces for residents and guests to be located within new subterranean and first floor parking areas for the subject property located at 1140-1148 San Fernando Road, henceforth referred to as the “Project”;

WHEREAS, the Project would require an amendment to the “Existing City Districts and Land Use Sub-Districts” and “Existing Downtown Core District and Sub-District” maps (Exhibits “A” and “C”) of the San Fernando Corridors Specific Plan in order to allow portions of the two parcels that make up the Project site at 1140-1148 San Fernando Road that currently have a Truman/San Fernando District, Mixed-Use Transition Sub-District zoning designation to be re-zoned to allow both parcels and therefore the entire Project site to have a Downtown District, San Fernando Mall Sub-District land use classification within the SP-4 (Corridors Specific Plan) zone (Exhibits “B” and “D”);

WHEREAS, Zone Map Amendment 2014-001 would allow for the construction of the Project as a four-story mixed development with 17,455 square feet of ground floor retail, 101 affordable housing units, 108 on-site parking spaces, preservation of the existing J. C. Penney’s building front façade along San Fernando Road on an approximate 35,000 square foot site comprised of two contiguous parcels that would be merged as part of a future owner initiated lot merger;

WHEREAS, in light of the proposed Project’s impact on the character defining architectural features and appurtenances of the J. C. Penney’s building front façade along San Fernando Road it was determined by the City’s chief planning official that good cause existed to schedule the Planning and Preservation Commission’s consideration of a “Resolution of Intention” pursuant to City Code Section 106-1386 to approve recommending to the City Council consideration to designate the J. C. Penney’s building front façade architectural features and appurtenances as a historic resource and list it on the San Fernando Register of Historic Resources;

WHEREAS, pursuant to City Code Section 106-1386(5), the City's chief planning official will submit the Planning and Preservation Commission's Resolution of Intention recommending historic designation of the J. C. Penney's building front façade architectural features and appurtenances to the City Council for their consideration at their June 25, 2014 meeting in order to ensure City Council consideration of the historic designation in combination with their review of the Zone Map Amendment 2014-01 and Mitigated Negative Declaration and Initial Study for the Mixed Use Development at 1140-1148 San Fernando Road, which said environmental assessment includes mitigations measures that seek to preserve the J. C. Penney's building front façade and appurtenances;

WHEREAS, pursuant to San Fernando City Code Section 106-20(c), an official amendment to the zoning map may be adopted by the City Council only if the following findings of fact can be made in a positive manner: (1) the proposed amendment is consistent with the objectives, policies, general land uses and programs of the City's General Plan; and (2) the adoption of the proposed amendment would not be detrimental to the public interest, health, safety, convenience or welfare;

WHEREAS, the Planning and Preservation Commission of the City of San Fernando conducted a duly noticed public hearing on Monday, June 23, 2014 to consider the Project, and following the receipt of public testimony, closed the hearing;

WHEREAS, pursuant to San Fernando City Code Section 106-20(c), the Planning and Preservation Commission determined, by way of Planning and Preservation Commission Resolution 2014-08 adopted on June 23, 2014, that the Project that includes the Zone Map Amendment 2014-001, Variance 2014-001, Site Plan Review 2014-008, and historic designation of the J. C. Penney's building front façade along San Fernando Road as a City historic resource is consistent with the objectives, policies, general land uses and programs of the City's General Plan and the adoption of the proposed zone amendment would not be detrimental to the public interest, health, safety, convenience or welfare, and recommended approval of the Project by the City Council;

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

SECTION 1. A notice of public hearing regarding the Project was given pursuant to San Fernando City Code Section 106-72 and in compliance with Government Code Section 65090.

SECTION 2. The City Council of the City of San Fernando conducted a duly noticed public hearing on Wednesday, June 25, 2014, to consider the Project, and following the receipt of public testimony, closed the hearing;

SECTION 3. Environmental Findings.

(a) Pursuant to the California Environmental Quality Act (CEQA) and the City of San Fernando's CEQA Guidelines, the City of San Fernando, as the Lead Agency overseeing the environmental review for the proposed Zone Map Amendment 2014-001, Variance 2014-001, Site Plan Review 2014-008, and a related Affordable Housing Project, has prepared an Initial

Study of the potential environmental effects of the proposed Zone Change 2012-01 and the related affordable housing project. The related affordable housing project, a proposed General Plan amendment and site plan review, and the proposed Zone Change 2012-01 constitute the "Project" evaluated pursuant to CEQA.

(b) Based upon the findings contained in the Initial Study, the City determined that the Project may have potential significant effects on the environment attributed to growth associated with the proposed Project. Pursuant to CEQA, the environmental assessment provided for a comprehensive analysis of potential significant environment effects and includes mitigation measures that will provide for the reduction of identified environmental impacts to "less than significant" levels. Based upon the findings contained in the Initial Study, City staff determined that, with the imposition of mitigation measures, there would be no substantial evidence that the Project would have a significant effect on the environment. Based upon that determination, a Mitigated Negative Declaration was prepared. Thereafter, City staff provided public notice of the public comment period and of the intent to adopt the Mitigated Negative Declaration.

(c) The City Council has reviewed the Mitigated Negative Declaration and all comments received regarding the Mitigated Negative Declaration and, based on the whole record before it, found, in Resolution No. 7619: (i) that the Mitigated Negative Declaration was prepared in compliance with CEQA; and (ii) that, based on the imposition of mitigation measures, there is no substantial evidence that the Project will have a significant effect on the environment. The City Council further found in Resolution No. 7619 that the Mitigated Negative Declaration reflects the independent judgment and analysis of the City Council. Based on these findings, the City Council adopted the Mitigated Negative Declaration for this Project in Resolution No. 7619.

(d) The City Council has also reviewed and considered the associated Mitigation Measures for the Project that has been prepared pursuant to the requirements of Public Resources Code Section 21081.6 and found, in Resolution No. 7619, that such Program is designed to ensure compliance with the mitigation measures during project implementation. The City Council therefore adopted the associated Mitigation Measures for the Project in Resolution No. 7619.

(e) The custodian of records for the Initial Study, Mitigated Negative Declaration, associated Mitigation Measures and all other materials that constitute the record of proceedings upon which the City Council's decision was based is the Community Development Director of the City of San Fernando. Those documents are available for public review in the Planning Department of the City of San Fernando located at 117 Macneil Street, California 91340, telephone (818) 898-1200.

SECTION 4. The City Council hereby adopts the findings and the determination made by the San Fernando Planning and Preservation Commission in Resolution No. 2014-08 for approval of the Project:

(a) The Project is consistent with the objectives, policies, general land uses and programs of the City's General Plan.

The proposed Zone Map Amendment 2014-001 as noted in Exhibits "B" and "D" as included herein would change the current zoning of portions two parcels of land that comprise the Mixed Use Development Project site at 1140-1148 San Fernando Road. As part of the Mixed Use Development Project, the portions of the two properties located at 1140-1148 San Fernando Road (Los Angeles County Assessor's Parcel Numbers: 2521-032-008 and 2521-032-007) would be rezoned from their current SP-4 (Corridors Specific Plan) zoning Truman/San Fernando District and Mixed Use Transition Sub-District to the Downtown District and San Fernando Mall Sub-District zoning classification. The proposed rezoning would facilitate the development of a mixed use project with 101 one-bedroom units designated as affordable to eligible to low-income households making 60 percent of the County Area Median Income, 17,455 square feet of ground floor commercial, 108 on-site parking spaces for residents and guests to be constructed within a new four-story building that preserves the J. C. Penney's building front façade facing San Fernando Road.

The requested zone map amendment would change the current zoning of the Project that is comprised of two parcels located at 1140-1148 San Fernando Road (APN's: 2521-032-008 and 2521-032-007). The two parcels that make up the Project Site are located within the SP-4 (Corridors Specific Plan) zone and are bisected by the Truman/San Fernando District-Mixed Use Transition Sub-District and Downtown District-San Fernando Mall Sub-District. The entire Project Site has an SP-4 General Plan Land Use Designation that will be retained. The zone map amendment would change the current district and sub-district classifications of the rear portion of the existing parcels facing Celis Street, which currently have a Truman/San Fernando District and Mixed Use Transition Sub-District designation. The zone map amendment would allow the entire Project site to be re-zoned as property within the Downtown District, San Fernando Mall Sub-District of the SP-4 (Corridors Specific Plan) zone consistent with neighboring properties to the north and east along San Fernando Road.

The proposed rezoning of the two subject parcels would facilitate the Project site's adaptive reuse through the construction of a mixed use development that includes ground floor retail uses and 101 new residential units above the ground level at the subject site. The type of proposed development is consistent with the San Fernando Corridors Specific Plan's purpose within the Truman/San Fernando and Downtown districts, which seeks to "create lively activity with buildings located directly at the back of sidewalk and active storefront facades that add activity and interest along the street" and to "provide a central shopping and entertainment district for the city, and will include retail shops and services, restaurants, civic and community meeting places, entertainment venues...and residential dwellings [that] also permitted on the upper floors of multi-story buildings in the district". (Truman/San Fernando District's Section I: Purpose, Pg. 116 and Downtown District Section I; Purpose, Pg. 70 of San Fernando Corridors Specific Plan.)

The proposed mixed use project's building design and site improvements resulting from the proposed zone map amendment are consistent with the San Fernando Corridors Specific Plan Design Guidelines for the Downtown District. These design guidelines seek to promote

compatible building and site design that improves the visual quality of the surrounding area through aesthetically pleasing site planning, building design, and landscape architecture. The Project would also result in significant physical improvements to the Project site and adjacent public right-of-ways, eliminating any blight conditions associated with the existing physical condition of the subject properties.

The Project would also comply with the goals and objectives of the General Plan Land Use Element, with the requested zone map amendment, by allowing the development of a mixed use project that facilitates new private investment into the San Fernando Mall/Downtown area, allows for adaptive reuse of vacant and underutilized buildings while preserving historically significant character defining architectural features of the J. C. Penney's building front façade along San Fernando Road in a manner that allows the City to preserve the retail history of the mall and breathes "new life into the specific plan corridors (e.g., districts and sub-district areas) by removing obstacles to change, investment, and care". Collectively, the Project's proposed improvements and preservation efforts will allow the City to retain the small town character of San Fernando and maintain an identity that is distinct from surrounding communities. (San Fernando General Plan Land Use Element Goals I and III, Pg. IV-6).

The Project would also comply with goals and policies of the General Plan Housing Element by: providing a range of housing types (including low income rental units) to meet community needs; providing adequate housing sites to facilitate the development of a range of residential development types in San Fernando that help the city fulfill its fair share of regional housing needs; providing opportunities for mixed use and infill housing developments within the San Fernando Corridors Specific Plan areas as part of the City's overall revitalization strategy; providing housing opportunities for San Fernando's lower income population; utilizing zoning tools, including zone map amendments, variances, et cetera, to provide affordable units within housing projects; supporting collaborative partnerships with non-profit organizations and for-profit developers to provide greater access to affordable housing funds; and, encouraging the use of sustainable and green building features in new housing. (2014-2021 San Fernando General Plan Housing Element Goal 2.0, Policies 2.1, 2.2, 2.3, 2.5, 2.7, 2.9; Pgs. 75-76).

The Project would also comply with goals and policies of the General Plan Historic Preservation Element by: protecting historic and cultural resources by retaining the historically significant architectural features and appurtenances of the J. C. Penney's building front façade facing San Fernando Road from demolition and inappropriate alterations while seeking designation of said features as a local historic resource. The Project also encourages reuse rather than demolition and seeks to integrate historic preservation into community economic development strategies by allowing the mixed use project with modified building setbacks and building heights that includes ground floor commercial space and upper floor residential units designated for rent to eligible low-income households.

Furthermore, the Project would highlight the City's ongoing efforts to promote historic preservation through the retention of the historically significant and character defining architectural features of the J. C. Penney's building front façade as a way of providing new economic investment with significant multiplier effects related to creating a historic site with unique architectural design features at a prominent corner in the San Fernando Mall/Downtown

area worthy of increased commercial rental rates and new County and State funding to support the affordable housing component of the Project. (2005 San Fernando General Plan Historic Preservation Element Goals 1, 4, 5 and 6; Policies 1.11, 4.1, 4.2, 4.4, 5.2, 6.3 and 6.5; Pgs. 25 - 35).

- The Project will not be detrimental to the public interest, health, safety, convenience or welfare.

The requested amendment to the zoning map would allow for a vacant building and underutilized commercial land within the San Fernando Mall/Downtown area to be adaptively reused for the proposed mixed use project that will include land consolidation, 101 residential apartment units of affordable housing available to low income households within the city and construction of the associated residential and guest parking within a new multi-story building that complies with all applicable City building and safety codes. As part of the Project, the properties located at 1140-1148 San Fernando Road (APN's: 2521-032-008 and 2521-032-007) would allow portions of these parcels fronting onto to Celis Street to be rezoned from Truman/San Fernando District, Mixed Use Transition Sub-District to Downtown District, San Fernando Mall Sub-District. Therefore, the zone map amendment would allow the entire Project site to be re-zoned as property within the Downtown District, San Fernando Mall Sub-District of the SP-4 (Corridors Specific Plan) zone consistent with neighboring properties to the north and east along San Fernando Road. In addition, the zone change and zone map amendment would allow the new mixed use project to be developed at the subject site while preserving the historically significant architectural features and appurtenances of the J. C. Penney's building front façade. The zone map amendment would allow the development of the Project in a manner that retains 17,455 square feet of ground floor retail space and allows the development of 101 new affordable housing units on three floors above grand level. The Project's development and associated zone map amendment would result in significant physical improvements to the site and adjacent public right-of-ways, eliminating any blight conditions associated with the existing physical condition of the subject properties.

The proposed Project would also be responsible for making the necessary upgrades to the existing water and sewer infrastructure required to accommodate the Project's potential demand. Based on all the aforementioned reasons, the on-site and off-site physical improvement that would result as part of Project, coupled with the availability of new affordable housing, would not be detrimental to the public interest, health, safety, convenience or welfare.

SECTION 5. If any section, subsection, subdivision, paragraph, sentence, clause, phrase in this ordinance or any part thereof is for any reason held to be invalid or unconstitutional or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared invalid, unconstitutional, or ineffective.

SECTION 6. The City Clerk shall certify to the passage of this Ordinance and shall cause this Ordinance to be published or posted as required by law.

PASSED, APPROVED AND ADOPTED by the City Council of the City of San Fernando at a regular meeting held on this 7th day of July, 2014.

Sylvia Ballin, Mayor

ATTEST:

Elena G. Chávez, City Clerk

APPROVED AS TO FORM:

Rick R. Olivarez, City Attorney

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

I, ELENA G. CHÁVEZ, City Clerk of the City of San Fernando, do hereby certify that the foregoing Ordinance was adopted a regular meeting of the City Council held on the 7th day of July, 2014 and was carried by the following roll call vote:

- AYES: Gonzales, Avila, Lopez, Fajardo – 4
- NOES: None
- ABSENT: None
- ABSTAIN: Ballin – 1

Elena G. Chávez, City Clerk

EXHIBIT "A"
EXISTING SP-4 Zone Districts and Land Use Sub-Districts Map

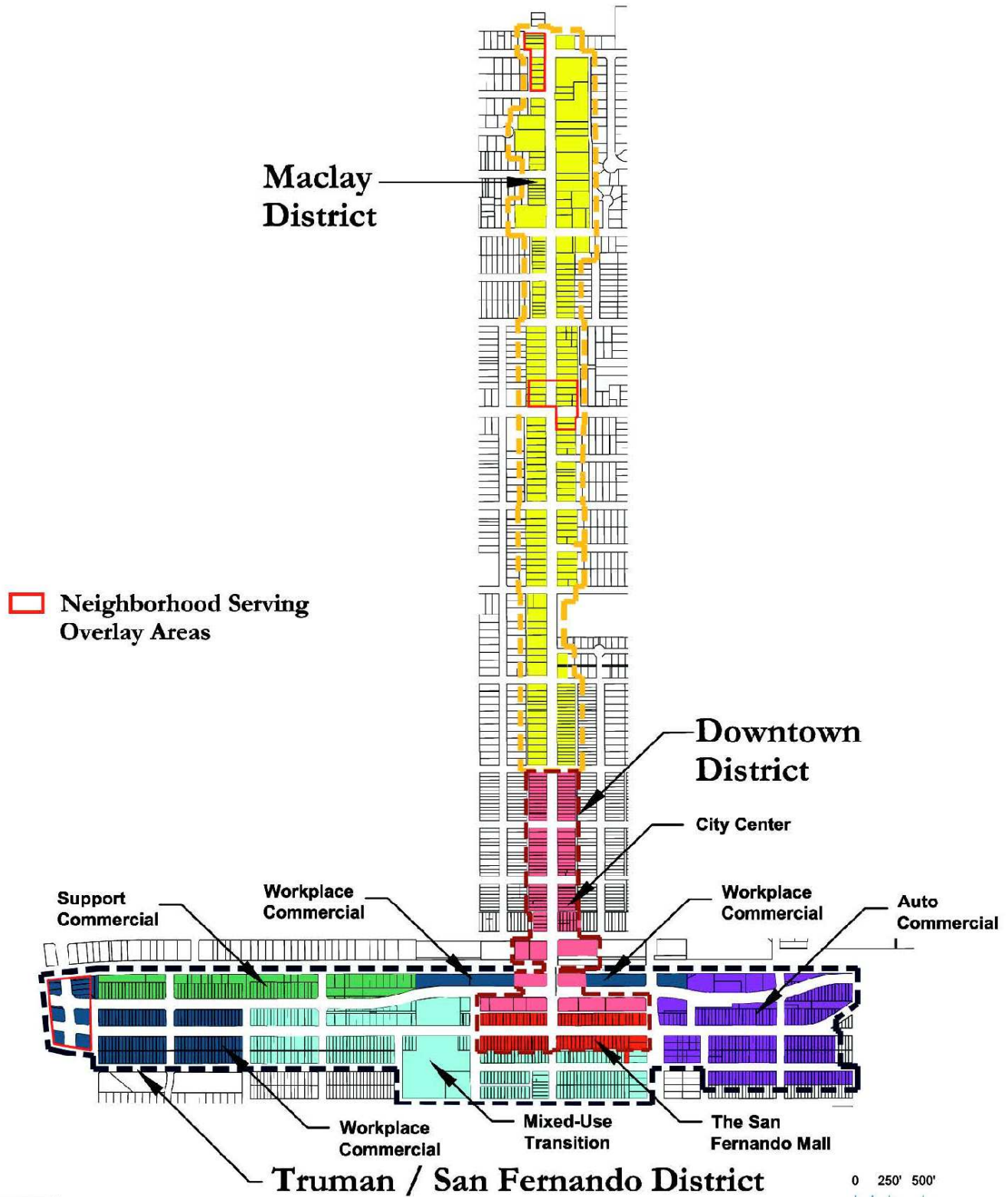


EXHIBIT "B"

PROPOSED SP-4 Zone Districts and Land Use Sub-Districts Map

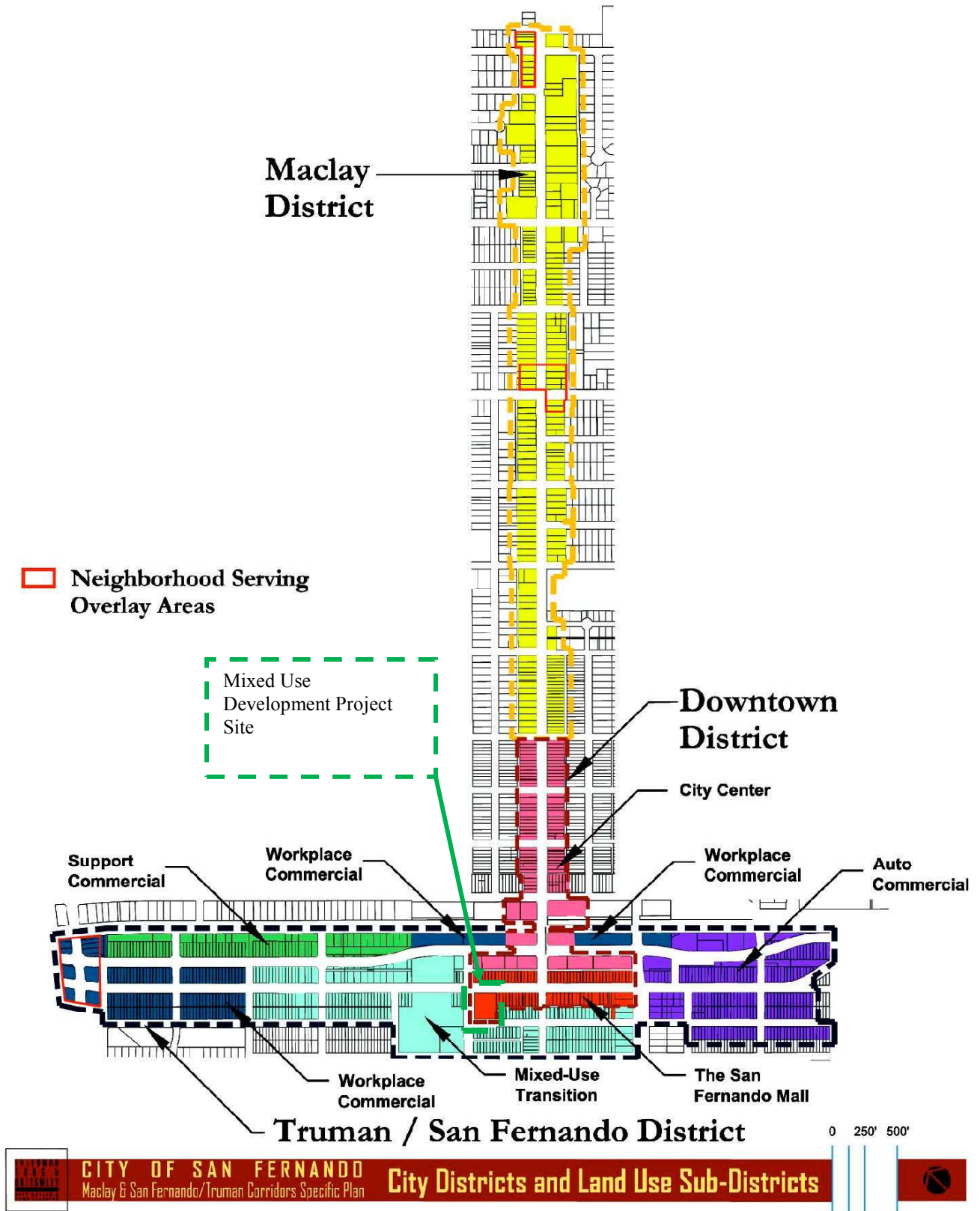


EXHIBIT "C" EXISTING DOWNTOWN CORE DISTRICT AND SUB-DISTRICTS MAP

The City Center The San Fernando Mall



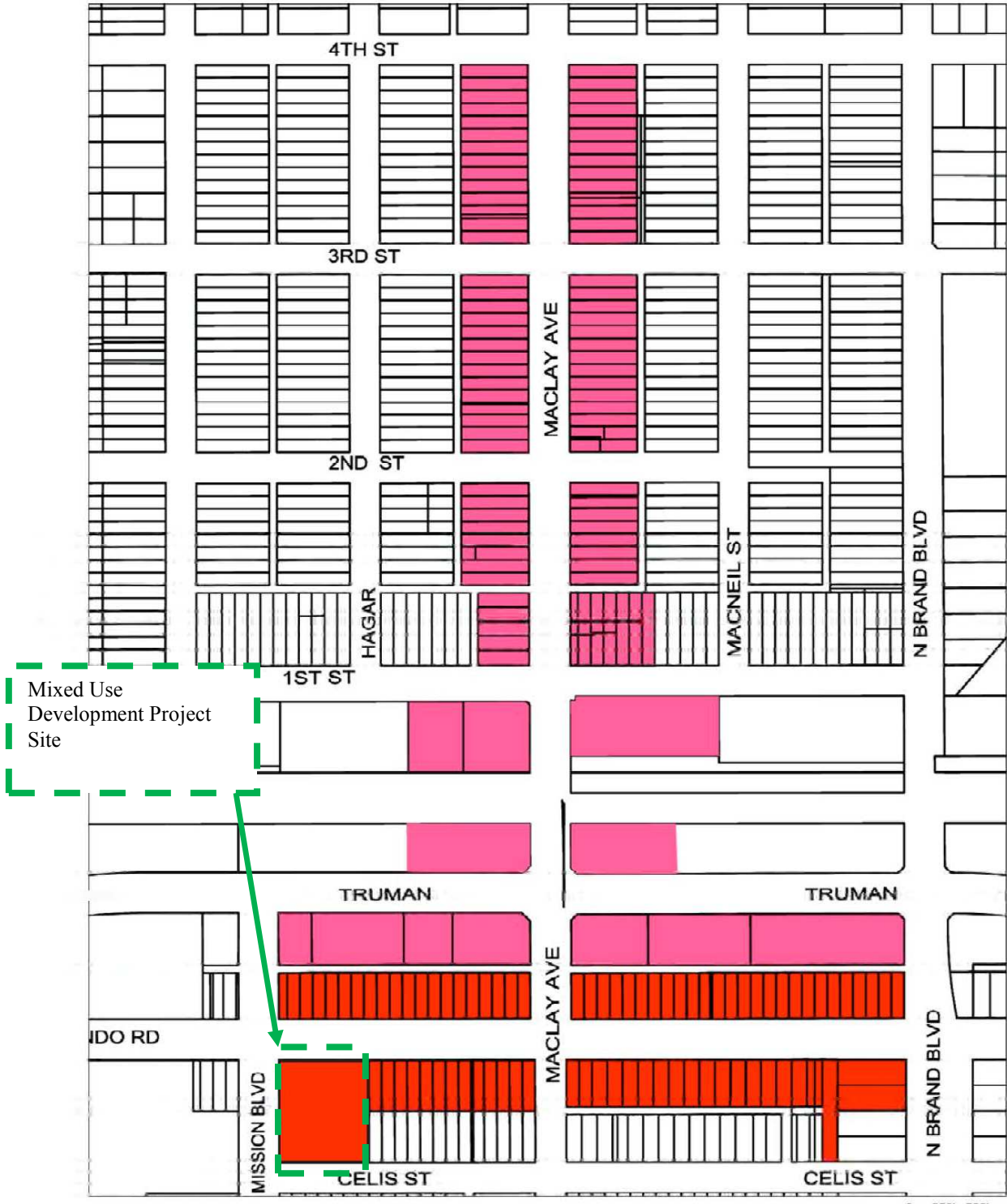
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CITY OF SAN FERNANDO
MacLay & San Fernando/Truman Corridors Specific Plan

Downtown Core District and Sub-Districts

EXHIBIT "D"
PROPOSED DOWNTOWN CORE DISTRICT AND SUB-DISTRICTS MAP

The City Center The San Fernando Mall



0 250' 500'

CITY OF SAN FERNANDO
 MacLay & San Fernando/Truman Corridors Specific Plan **Downtown Core District and Sub-Districts**