glendale california

City of Glendale
Community Development
Planning & Neighborhood Services

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February 12, 2014

Janelle Williams
Williams Land Use Services
2418 Honolulu Avenue, Unit "B"
Montrose, CA 91020

RE: 215-219 NORTH CENTRAL AVENUE
CONDITIONAL USE PERMIT CASE NO. PCUP 1327671
(Clancy's Crab Broiler)

Dear Ms. Williams:

On January 29, 2014, the Planning Hearing Officer conducted and closed a public hearing, pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.42, on your application for a Conditional Use Permit to allow the on-site sales, service, and consumption of alcoholic beverages at an existing full-service restaurant, located at **215-219 North Central Avenue**, in the "DSP" - Downtown Specific Plan/Transitional District, described as Portions of Lots 1 and 35, and Lots 2, 3, and 4, Block 1, Moore's Resubdivision, and Portion of Lot 9, Block 9, Glendale Boulevard Tract, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

(1) On-site sales, service and consumption of alcoholic beverages require a Conditional Use Permit in the Downtown Specific Plan/Transitional District.

APPLICANT'S PROPOSAL

(1) A Conditional Use Permit to allow on-site sale, service and consumption of alcoholic beverages at an existing full-service restaurant.

ENVIRONMENTAL RECOMMENDATION: Mitigated Declaration Case No. 77-25 for 219 North Central Avenue and 314-318 Salem Avenue, and Mitigated Negative Declaration Case No. 86-37 for 215 North Central Avenue, 322 Salem Avenue and 313-315 West Wilson Avenue are on file for public review.

REQUIRED/MANDATED FINDINGS

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report by the Community Development Department staff thereon, and the statements made at the public hearing with respect to this application, the Planning Hearing Officer has **GRANTED WITH CONDITIONS** your application based on the following:

A. The proposed use will be consistent with the various elements and objectives of the general plan.

The subject site is located in the Downtown Specific Plan – Central Transitional District land use designation, which is designed to provide an important transition between the high-intensity, mixed activity of Downtown and a higher density residential neighborhood to the west. This area is intended to evolve into a mid-rise mixed-use pattern, with an emphasis on ground floor commercial uses along Central Avenue. Currently, the Central Transitional District features a variety of lower-scale commercial and medical office buildings with several mixed-use developments under construction. A restaurant and bar in this location is a desired use, especially with the addition of residential units. Alcoholic beverage sales are conditionally permitted uses within the Transitional District zone, and therefore, consistent with the land use designations. The sale of alcoholic beverages is in keeping with the standard operation procedures of the existing restaurant and bar, and previously granted conditional use permit. It is not anticipated that the continuation of on-site alcoholic beverage sales will be detrimental to the community or adversely conflict with the community's normal development. The current restaurant has sold alcoholic beverages for seven years, and a restaurant has sold alcoholic beverages at this location for approximately 36 years without significant adverse impacts.

The Downtown Specific Plan (DSP) identifies Central Avenue as a Primary Auto Street/Vehicular Priority Street. It is the primary vehicular connector of Downtown with the regional freeway network and other communities. Vehicular through traffic as well as truck and service delivery traffic are to be directed here. The DSP identifies Central Avenue (south of the 134 Freeway) with pedestrian-oriented use restrictions at the ground floor. The Circulation Element identifies Salem Street as an urban collector. Both streets are fully developed and adequately handle the existing traffic circulation around the site.

B. That the use and its associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment.

It is not anticipated that the continued sale of alcoholic beverages at Clancy's will have a detrimental effect on the community. The property at 219 North Central Avenue has been used as a restaurant with the sale of alcohol since 1977. Clancy's Crab Broiler took over operation of the restaurant in 1983 and has been in operation since then. In 2006, Clancy's expanded to include the next door restaurant (Noodles) and the existing 13,663 square foot restaurant has continued to operate

with on-site sales, service and consumption of alcoholic beverage. It has proven to be compatible with the surrounding neighborhood. The use of the building, parking, and customer service hours will continue in the same manner. Clancy's Crab Broiler is located in Census Tract 3018.02, which allows for three On-Sale establishments. The restaurant is one of 17 licenses in this tract. Although the Glendale Police Department (GPD) noted that there were six calls for service from this location, only one department report was filed. The police did not state any opposition to this application.

C. The use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property.

As previously mentioned, the existing full service restaurant and bar have been in operation with the sale of alcoholic beverages since 2006, and Clancy's has been at the location for over 30 years. The applicant is not proposing any changes to the existing floor plan or operation; therefore no impact to adjacent uses is anticipated. The subject site is surrounded by existing commercial and office development. The full service restaurant and bar will continue to contribute to the Downtown Specific Plan uses and support the new mixed-use projects currently under construction. In addition, the Planning Division has not received any formal complaints from the nearby commercial or residential properties.

D. Adequate public and private facilities such as utilities, landscaping, parking spaces and traffic circulation measures are provided for the proposed use.

The applicant is proposing to operate the full service restaurant and on-site sale of alcoholic beverages in the existing manner; therefore, it is not anticipated to increase the need for public or private facilities. The off-site surface parking lots provides 105 parking spaces. Valet services will continue to be provided.

The continuation of on-site sale of alcoholic beverages at Clancy's is not anticipated to intensify traffic circulation or parking demand. Salem Street is an urban collector and Central Avenue is a vehicular priority street, which adequately handle the existing traffic circulation around the site. The Traffic Engineer's Section did not submit concerns related to traffic circulation and parking.

Furthermore, this request requires that additional findings of fact be made, as follows:

For applications involving the sales, serving or consumption of alcoholic beverages, the following criteria shall be considered in making the findings in subsection A. through D. above:

1. That where a proposed on-site use is located in a census tract with more than the recommended maximum concentration of on-site uses or that where an

existing off-site use is located in a census tract with more than the recommended maximum concentration of off-site uses, as recommended by the California Department of Alcoholic Beverage Control (ABC), such use will not tend to intensify or otherwise contribute to the adverse impacts on the surrounding area caused by such over concentration based on the comments submitted by the City of Glendale Police Department (GPD). Clancy's Crab Broiler is one of 17 establishments selling alcohol in an area where three are recommended by ABC standards. However, it is not anticipated that continued alcohol sales at Clancy's will create new significant health or safety impacts as Clancy's will continue to operate in the same manner. While the GPD noted that there have been six calls for service from this location only one department report was filed, and they did not state any opposition to this application.

2. That where the existing or proposed use is located in a crime reporting district with a crime rate which exceeds twenty (20) percent of the city average for Part I crimes, as reported by the Glendale Police Department, such use will not tend to encourage or intensify crime within the district because conditions placed on the approval of this conditional use permit will reduce the potential for these deleterious impacts to occur. According to the Glendale Police Department, the applicant has active Type 47 (On-Sale General Eating Place) and Type 58 (Caterer Permit) liquor licenses. The GPD noted that based on Part 1 crime statistics in this tract, there were 113 crimes in 2012, 118 percent above the city wide average of 60. While this establishment is in a statistically high crime area, it does not appear that the establishment has contributed to this in any significant way. Recommended conditions of approval would ensure that crime would not be intensified. The Neighborhood Services Section has no open code enforcement cases on the property.

3. That the existing or proposed use does not or will not adversely impact any church, public or private school or college, day care facility, public park, library, hospital or residential use within the surrounding area. Residential land uses to the west are separated from the restaurant by parking lots, which are intended to provide a transition area between the two uses. The subject site is located in the Downtown Specific Plan – Central Transitional District land use designation, which is designed to provide an important transition between the high-intensity, mixed activity of Downtown and a higher density residential neighborhood to the west. This area is intended to evolve into a mid-rise mixed-use pattern, with an emphasis on ground floor commercial uses along Central Avenue. Currently, the Central Transitional District features a variety of lower-scale commercial and

medical office buildings with several mixed-use developments under construction. A full service restaurant in this location is a desired use, especially with the addition of residential units. The majority of the area surrounding the subject site is developed with similar or more intensive land uses as the subject project and is intended to be a high density area.

4. That adequate parking and loading facilities are or will be provided for the existing or proposed use or other reasonable alternatives satisfy the transportation and parking needs of the existing or proposed use. The off-site parking lots provide 105 surface parking spaces with valet services provided at Salem Street. Central Avenue provides easy access from Downtown and the regional freeway network with vehicular through traffic as well as truck and service delivery traffic. The on-site sale of alcoholic beverages is not anticipated to intensify traffic circulation or parking demand. Both Central Avenue and Salem Street are fully developed and adequately handle the existing traffic circulation around the site.

5. That, notwithstanding consideration of the criteria in subsections 1 through 4 above, the continued on-site sales does serve a public convenience for the area. It serves local residents and business. It is in close proximity to the Glendale Galleria and several mixed-use developments. Compatibility of land uses is important to fostering a productive and thriving community. Conditions placed on the approval of the project will ensure that it will not adversely impact nearby businesses.

SUMMARY OF PLANNING HEARING OFFICER'S DECISION

The Planning Hearing Officer was able to make the required four findings in the affirmative to approve the conditional use permit. The proposed use will be consistent with the various elements and objectives of the general plan because the sales of alcoholic beverages is common in full-service restaurants, a use permitted in the DSP zone and adjacent streets adequately handle the existing traffic circulation around the site. The use will not be detrimental to the public health and safety, the general welfare or the environment because Clancy's with alcohol sales has been in existence since 1983 and has been compatible with the surrounding neighborhood.

The use and facilities will not adversely affect or conflict with adjacent uses or impede normal development of surrounding property because Clancy's has been in operation for over 30 years and is not proposing any changes to the existing floor plan or operation. Adequate public and private facilities are provided for the proposed use because there are 105 parking space for the restaurant use and surrounding streets can handle the existing traffic circulation around the site.

CONDITIONS OF APPROVAL

APPROVAL of this Conditional Use Permit shall be subject to the following conditions:

1) The development shall be in substantial accord with the plans submitted with the application and presented at the hearing except for any modifications as may be required to meet specific Code standards or other conditions stipulated herein to the satisfaction of the Planning Hearing Officer.

2) All necessary licenses as required from Federal, State, County or City authorities including the City Clerk shall be obtained and kept current at all times.

3) A trash enclosure shall be provided in accordance with all Zoning and Building Code, and Public Works requirements. Adequate means shall be provided for the collection of solid waste generated at the site and that all recyclable items shall be collected and properly disposed to the satisfaction of the Integrated Waste Management Administrator of the City of Glendale. The applicant shall apply for a building permit for a trash enclosure within three months of this approval and shall construct the enclosure within three months of permit issuance.

4) The existing Zoning Use Certificate shall be modified to reference this conditional use permit.

5) The premises shall be maintained in a clean and orderly condition, free of weeds, trash and graffiti.

6) Any expansion or modification of the facility or use shall require a new conditional use permit. Expansion shall constitute adding of an additional floor area, increased hours of operation, or any physical change as determined by the Planning Hearing Officer.

7) No exterior signs advertising the sales/service of alcoholic beverages shall be permitted.

8) The sale and service of alcoholic beverages shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control.

9) Access to the premises shall be made available upon request to all City of Glendale authorized staff (i.e. Community Development Department, Fire Department, Police Department, etc.) for the purpose of verifying compliance with all laws and the conditions of this approval.

10) At all times when the premises are open for business, the service of any alcoholic beverage shall be made only in the areas designated with an ABC license. Consumption of alcoholic beverages will only be on those same licensed areas.

11) No patron to any of the business establishments will be allowed to bring into any establishment or maintain in the establishments, any alcoholic beverage unless that alcoholic beverage was purchased within that same establishment unless the facility has an established corkage policy allowing and regulating such.

12) The restaurant shall remain open to the public during business hours.

13) That the proprietor and his/her employees shall make an active and conscientious effort to keep customers and employees from trespassing on other nearby properties or otherwise making disturbances in the area.

14) Live entertainment is permitted with the exception that no bikini activities or events, no lingerie activities or events, no swimwear activities or events, nor any similar activities or events be allowed where partial clothing of male or female entertainment is provided.

15) Music or noise shall be contained within the building. The business shall comply with all state and local laws and ordinances concerning excessive noise and disturbing the peace.

16) The front and back doors of the establishment shall be kept closed at all times while the location is open for business, except in case of emergency.

17) The Manager and or Staff should be proactive in the enforcement of the City of Glendale Clean Air Act.

18) That all existing mitigation measures listed in the negative declaration resulting from the processing of Mitigated Negative Declaration Case No. 77-25 for 219 North Central Avenue and 314-318 Salem Street, and Mitigated Negative Declaration Case No. 86-37 for 215 North Central Avenue, 322 Salem Street, and 313-315 West Wilson Avenue, shall be met.

19) That all conditions of approval of Variance No. PVAR 2006-024 and Parking Use Permit No. PPUP 2006-002, shall be met.

20) The authorization granted herein shall be valid for a period of **20 (twenty) years,** until **FEBRUARY 12, 2034,** at which time, a reapplication must be made.

APPEAL PERIOD (effective date), TIME LIMIT, LAPSE OF PRIVILEGES, TIME EXTENSION

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper City and public agency.

Under the provisions of the Glendale Municipal Code, Title 30, Chapter 30.62, any person affected by the above decision has the right to appeal said decision to the Planning Commission if it is believed that the decision is in error or that procedural errors have occurred, or if there is substantial new evidence which could not have been reasonably presented. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms within fifteen (15) days following the actual date of the decision. Information regarding appeals and appeal forms will be provided by the Permit Services Center (PSC) or the Community Development Department (CDD) upon request and must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **FEBRUARY 27, 2014** at the Permit Services Center (PSC), 633 East Broadway, Room 101, Monday thru Friday 7:00 am to 12:00 pm, or at the Community Development Department (CDD), 633 East Broadway, Room 103, Monday thru Friday 12:00 p.m. to 5 p.m.

APPEAL FORMS available on-line:
http://www.ci.glendale.ca.us/planning/SubmittingAProject.asp

To save you time and a trip - please note that some of our FORMS are available on line and may be downloaded. AGENDAS and other NOTICES are also posted on our website.

TRANSFERABILITY

This authorization runs with the land or the use for which it was intended for and approved. In the event the property is to be leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions and/or limitations of this grant.

VIOLATIONS OF THESE CONDITIONS

Violations of conditions required by this determination may constitute a misdemeanor or infraction under section 1.20.010 of the Glendale Municipal Code (GMC) and/or a violation of other local, State or Federal laws or regulations. Unless a specific penalty is provided, any person convicted of a misdemeanor shall be punished by a fine not to

exceed one thousand dollars ($1,000.00), or imprisonment for a term not to exceed six (6) months, or by both fine and imprisonment. Infractions are punishable by a fine not exceeding the sum of five hundred dollars ($500.00) for each violation.

Violations of conditions required by this determination may be grounds for a revocation.

REVOCATION, CONTINUING JURISDICTION

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over variances and conditional use permits (individual cases heard and decided upon by the Planning Hearing Officer).

To consider the revocation, the Planning Hearing Officer shall hold a public hearing after giving notice by the same procedure as for consideration of a conditional use permit at least ten (10) days notice by mail to the applicant or permittee. Continuing jurisdiction over any case is the purview of the Planning Hearing Officer, with concurrence by the Director of Community Development.

GMC CHAPTER 30.41 PROVIDES FOR

TERMINATION
Every right or privilege authorized by a conditional use permit shall terminate two (2) years after the granting of such, unless the exercise of such right or privilege has commenced in good faith prior to such time, except as otherwise provided for.

EXTENSION
An extension of the conditional use permit may be requested one time and extended for up to a maximum of one (1) additional year upon receipt of a written request from the applicant and demonstration that a reasonable effort to act on such right and privilege has commenced within the two (2) years of the approval date. In granting such extension the applicable review authority shall make a written finding that neighborhood conditions have not substantially changed since the granting of the conditional use permit.

NOTICE – Subsequent Contacts With This Office

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the case planner who acted on this case. This would include clarification and verification of condition compliance and plans or building permit

applications, etc., and shall be accomplished **by appointment only**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

Sincerely,

Roger Kiesel
Planning Hearing Officer

RK:sm

CC: City Clerk (K.Cruz); Police Dept. (Lt.S.Bickle/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(D.Nickles); City Engineer and Traffic & Transportation Section (R.Golanian/G.Tom); Director of Public Works and General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (R.Takidin); Glendale Water & Power--Electric Section (M.Kelley/M.Jackson); Parks, Recreation and Community Services Dept. (E.Tatevosian); Neighborhood Services Division (A.Jimenez); Integrated Waste Management Admin. (D.Hartwell); Maintenance Services Section Admin. (D.Hardgrove); Street and Field Services Admin.; Environmental Management (M.Oillataguerra); and case planner-Kathy Duarte.