

April 16, 2014

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

**RE: 241 NORTH CENTRAL AVENUE
CONDITIONAL USE PERMIT CASE NO. PCUP 1320864
(Hamburger Central)**

Dear Ms. Williams:

On March 26, 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 continued on-site sales, service, and consumption of alcoholic beverages at an existing restaurant, located at **241 North Central Avenue**, in the "DSP" - Downtown Specific Plan/Transitional District, described as Lots 4 and 5, Block 2, Moore's Resubdivision of Glendale Boulevard Tract, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

(1) The sales, service and on-site consumption of alcoholic beverages requires a Conditional Use Permit in the "DSP/TD" – Downtown Specific Plan/ Transitional District Zone.

APPLICANT'S PROPOSAL

(1) To allow the continued on-site sales, service, and consumption of alcoholic beverages at an existing restaurant.

ENVIRONMENTAL RECOMMENDATION: The project is exempt from CEQA review as a Class 1 "Existing Facilities" exemption, pursuant to State CEQA Guidelines Section 15301.

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

The applicant's request for the continued on-site sales, service, and consumption of alcoholic beverages at the existing restaurant will be consistent with the elements and objectives of the General Plan. The Land Use Element seeks to improve the livability of the community for all Glendale residents as expressed in the living, working, and shopping areas. The service of alcoholic beverages at this location is appropriate because it is in an area of the city zoned for commercial uses. The Circulation Element of the General Plan classifies North Central Avenue as a Major Arterial that serves many commercial businesses and surrounding neighborhoods.

A fast-food restaurant and a full-service restaurant are both permitted uses in the "DSP/TD" - (Downtown Specific Plan/Transitional District) zone and are consistent with the Land Use Element of the General Plan. The on-site sales, service and consumption of alcoholic beverages requires the approval of a Conditional Use Permit in the "DSP/TD" zone. The applicant's request for on-site sales, service and consumption of alcoholic beverages with meals is incidental to the primary operation and will serve a public necessity or public convenience for the area.

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.

The subject site has been operating as a restaurant for approximately 44 years with "Hamburger Central" occupying this location for approximately 12 years. The continued on-site sales, service and consumption of alcoholic beverages at this location is not anticipated to be detrimental to the public health or safety, the general welfare, or the environment, as conditioned. Presently, the establishment operates as a fast-food restaurant with limited hours, and the approval of this discretionary action along with the proposed renovations will expand the establishment's operation into a full-service restaurant with extended hours. The applicant's proposal to allow the continued on-site sales, service, and consumption of alcoholic beverages will be complementary to the restaurant use and is not anticipated to create any negative traffic-related impacts on neighboring streets or other businesses over and above the existing conditions.

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

The applicant's request for the continued on-site sales, service and consumption of alcoholic beverages with meals at an existing restaurant will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding properties. All four corners of the West California Street and North Central Avenue intersection are zoned DSP and feature commercial uses as well as two new multi-family projects. The ancillary on-site sales, service and consumption of alcoholic beverages with meals in a restaurant setting is a common extension of a restaurant

use and is not generally known to negatively impact nearby businesses or residents. The consumption of alcoholic beverages is secondary to the establishment's primary use of food service. The service of alcoholic beverages would not affect or conflict with adjacent uses or impede the normal development of surrounding properties.

D. That adequate public and private facilities such as utilities, landscaping, parking spaces and traffic circulation measures are or will be provided for the proposed use.

Adequate public and private facilities such as utilities, landscaping, parking spaces and traffic circulation measures are provided for the use and are existing. Associated utilities exist within the public rights-of-way and are adequate to continue service to the building. The existing parking will be reconfigured to accommodate the proposed outdoor dining area; the code required number of parking spaces for this use is 8.3 spaces, and the applicant will be providing 19 on-site parking spaces with one handicap parking space. The parking demand is not anticipated to intensify with the continued on-site sales, service and consumption of alcoholic beverages. The applicant's CUP request for alcoholic beverage sales will not require any new city services, nor will it require any changes to landscaping, parking or traffic circulation.

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

That all the criteria set forth in Section 30.42.030 (F) to be considered in making the findings in subsection A. through D. above have all been met and thoroughly considered:

- 1) That where an existing or 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 or proposed off-site use is located in a census tract with more than the recommended maximum concentration of off-site uses, both as recommended by the California Department of Alcoholic Beverage Control, such use does not or 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. The sale of alcoholic beverages incidental to food service at the existing establishment does not, or will not, tend to encourage or intensify crime within this reporting district. According to the Glendale Police Department, "Hamburger Central" is located in Census Tract 3018.02 where the suggested limit is three on-sale establishments. Currently there are 17 active on-sale licenses in this tract. The applicant is already one of the existing 17 on-sale licenses in this tract, and approval of this CUP request will not intensify the existing conditions.

- 2) That where the existing or proposed use is located in a crime reporting district with a crime rate which exceeds 20 percent of the city average for Part 1 crimes, as reported by the Glendale Police Department, such use does not or will not tend to encourage or intensify crime within the district because conditions have been included in the approval of this application to ensure that any potential negative impacts will be appropriately mitigated. According to the Glendale Police Department, the subject site is located in a crime reporting district with a crime rate 118% above the city wide average of 60. This census tract encompasses the west side of Brand Boulevard to Pacific Avenue and from Broadway to Glenoaks Boulevard. While this area has more crime than in many other areas of the city, it has a high concentration of office workers, entertainment uses, a major department store (Sears) and financial institutions, which have a higher crime rate, compared to lower density residential and retail areas, which typify much of the city. Within the last calendar year there were four calls for police service at this location. The four calls for police service were related to a burglar alarm, narcotics, a female disturbance and a suspicious group; no reports were taken for these calls. No evidence has been presented which would indicate that the continued on-site sales, service and consumption of alcoholic beverages at the subject site would encourage or intensify crime within the district.
- 3) That the existing or proposed use does not or will not adversely impact any other uses within the surrounding area (church, public or private school or college, day care facility, public park, library, hospital or residential use). No public facilities are located within the immediate area. The closest public facilities are: Harvard Mini Park at 425 West Harvard Street (0.6 miles to the south), Chess Park at 227 North Brand Boulevard (0.3 miles to the east), Central Park and Library at 201 East Colorado Street (0.8 miles to the south), Columbus Elementary School at 425 West Milford Street (0.5 miles to the west), Allan F. Daily High School at 220 N. Kenwood Street (0.6 miles to the east), First Baptist Church at 209 North Louise Street (0.4 miles to the east), First United Methodist Church at 134 North Kenwood Street (0.5 miles to the east), and Glendale Presbyterian Church at 125 South Louise Street (0.6 miles to the south). While these facilities are within proximity to the subject site, the project, as proposed, will not impede the operation of such uses. The applicant's request to renew a CUP at this location will not be a detriment to the safety and public welfare of the neighborhood, since the service of alcoholic beverages is generally viewed as a common extension of a restaurant use.
- 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 applicant is proposing to operate a full-service restaurant. This proposal is not anticipated to increase the need for public or private facilities. The ancillary service of alcoholic beverages at the existing establishment is not anticipated to intensify traffic circulation or parking demand. North Central Avenue is identified as a

Major Arterial, which adequately handles the existing traffic circulation around the site. The proposed use satisfies its transportation and parking needs as described above.

- 5) That, notwithstanding consideration of the criteria in subsections 1 through 4 above, alcoholic beverage sales, service and on-site consumption does serve a public convenience for the area. The applicant's request for a CUP renewal does serve a public convenience because it serves local residents, businesses, and the surrounding community. Conditions placed on the approval of the project will ensure that it will not adversely impact nearby businesses and residential uses.

CONDITIONS OF APPROVAL

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

- 1) That 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 Hearing Officer.
- 2) That all necessary licenses and permits as required, or approvals from Federal, State, County or City authorities shall be obtained and kept current at all times.
- 3) That sufficient measures shall be enforced to effectively eliminate interior and exterior loitering, parking congestion, disturbing noise, disturbing light, loud conversation and criminal activities.
- 4) That the service of alcoholic beverages for on-site consumption shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control.
- 5) That no speaker systems shall be installed outside the building.
- 6) That the premises shall maintain a bona fide restaurant and shall provide a menu containing an assortment of foods normally offered in such restaurant. Food service shall be available at all times and in all areas of the premises during normal operating hours.
- 7) That noise shall be contained to the site, such that persons of normal sensitivity off-site are not disturbed.
- 8) That the premises shall be maintained in a clean and orderly condition, free of weeds, trash and graffiti.
- 9) That any expansion or modification of the facility or use which intensifies the existing conditional use permit shall require approval of an administrative use

permit application. Expansion shall constitute adding floor area, increased hours of operation, changes to the use or operation, or any physical change as determined by the Planning Hearing Officer with concurrence by the Community Development Director.

- 10) That all music, lighting, noise, and odors shall be confined to the occupancy so as not to disturb occupants of other businesses or properties and patrons on the public right-of-way. No music is allowed in the outdoor seating areas.
- 11) That the existing restaurant adhere to the City's Fresh Air Ordinance, Title 15, Chapter 8.52 of the Glendale Municipal Code.
- 12) That 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 of to the satisfaction of the Integrated Waste Administrator. No trash containers shall be stored in any parking, driveway, or landscaping area.
- 13) That no exterior signs advertising the service of alcoholic beverages shall be permitted.
- 14) 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.
- 15) That at all times when the premises are open for business, the service of alcoholic beverages shall be made only in the areas as designated with the ABC license.
- 16) That 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.
- 17) That 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.
- 18) That the sales, service, or consumption of alcoholic beverages shall be permitted only between the hours of 10:00 am to 2:00 am each day of the week.
- 19) That the restaurant shall remain open to the public during business hours, in accordance with Title 30 of the Glendale Municipal Code.
- 20) That there shall be no video machines maintained on the premises.

- 21) That the premises shall be operated in full accord with applicable State, County, and local laws.
- 22) That no separate bar area shall be maintained on the premises.
- 23) That parking areas shall be kept adequately illuminated for security purposes during all hours of darkness.
- 24) That 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. A Live Entertainment permit must be obtained in accordance with G.M.C. 5.60.
- 25) That the applicant will provide all current and future employees with training designated to help them recognize intoxicated or underage patrons.
- 26) That access to the premises shall be made available to all City of Glendale Community Development Department, Neighborhood Services Division, Police Department, and Fire Department staff upon request for the purpose of verifying compliance with all laws and the conditions of this approval.
- 27) That a new Business Registration Certificate (BRC) be obtained to reflect the change of use.
- 28) That the authorization granted herein shall be valid for a period of ten years until **APRIL 16, 2024** 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 **MAY 1, 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.

REVOCAION, 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.

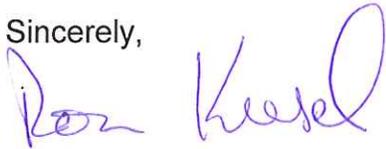
EXTENSION

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.Golianian/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-Vista Ezzati.