CITY OF GLENDALE, CALIFORNIA
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division

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September 18, 2012

Rodney Khan
Khan Consulting Inc.
1111 N. Brand Blvd., Suite 430
Glendale, CA 91202

RE: 1827-1829 SOUTH BRAND BOULEVARD
CONDITIONAL USE PERMIT CASE NO. PCUP 1204734

(see: PPUP1204737)

Dear Mr. Khan:

On September 12, 2012, the Planning Hearing Officer conducted and closed a public hearing, pursuant to the provisions of the Glendale Municipal Code, Chapter 30.42, regarding your application for a Conditional Use Permit to allow for on-site sales and consumption of alcoholic beverages at the restaurant at **1827-1829 South Brand Boulevard,** described as Portions of Lots 7 and 8, Tract No. 987, in the SFMU (Commercial/Residential Mixed Use) Zone, in the City of Glendale, County of Los Angeles.

Applicant's Proposal: A conditional use permit to allow the on-site sales, service, and consumption of alcoholic beverages at a new full-service restaurant with outdoor dining

Code Requires: Approval of a conditional use permit is required for the on-site sale and consumption of alcoholic beverages in the SFMU Zone (GMC Sec. 30.12.020, Table 30.12-A).

CEQA Status: Exempt

REQUIRED/MANDATED FINDINGS

After thorough consideration of the statements contained in the application, the plans submitted, the report by the Planning Division staff, 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 expansion of the existing use to expand and continue the sale and consumption of alcohol will be consistent with the various elements and objectives of the General Plan.

The sales, service and consumption of alcoholic beverages at the proposed full-service restaurant will be consistent with the elements and objectives of the General Plan. The land use designation of the site is Community/Services Commercial, which permits a variety of uses at a larger market scale. Restaurants are a permitted use in the SFMU zone and serving alcoholic beverages in conjunction with bona fide food service is a common ancillary use for restaurants. The project is consistent with the Circulation Element in that it minimizes traffic in residential neighborhoods. Since the conditional use permit application only requests the

sales, service and consumption of alcoholic beverages at a restaurant, other elements of the general plan, including the Open Space, Recreation and Housing Elements, will not be impacted as a result of the project.

B. 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 proposed on-site consumption of alcoholic beverages at the proposed restaurant will not be detrimental to the safety and public welfare of the neighborhood in general. While the area contains more on-sale establishments than is suggested for the census tract, the project's commercial location is appropriate for restaurants. Customarily, restaurants serve alcoholic beverages as part of their food service and this request is a reasonable extension of the main use. While this area has more crime than in other areas of the City, the nearby streets of Brand Boulevard and San Fernando Road are heavily commercial which may partially explain the higher crime rate. Full-service restaurants, which serve alcoholic beverages, typically do not generate significant crime as a result of their operation. The Police Department and Neighborhood Services Division did not cite concerns related to this conditional use permit. Given the proximity of the residential units and the fact that the surrounding neighborhood is not downtown Glendale or other commercial area with significant nighttime activity, a condition of approval will be added that the restaurant shall close at 1:00 am. Thursday through Sunday and midnight on Monday through Wednesday so that the use will not be detrimental to the public health and general welfare.

The restaurant will be located in southern Glendale near the intersection of Brand Boulevard and San Fernando Road. There are no known churches or libraries nearby. Glendale Memorial Hospital is over 1,000 feet away. Cerritos School and Park are located within 500 feet of the subject site. However, because the nature of the full-service restaurant and its location across the Brand Boulevard/San Fernando Road intersection, the school and park should not be adversely impacted by the project. The adult day care facility will continue to operate on the site of the proposed restaurant but their hours of operation will not overlap. Therefore, the project will not negatively impact the existing on-site day care facility.

C. The use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property provided that the conditions of approval are followed.

The on-site consumption of alcoholic beverages at the proposed restaurant will not adversely affect or conflict with adjacent uses as conditioned and will serve a public convenience purpose for the area. The project will not impede the normal development within the surrounding area, since the area is already fully developed and should not impede in any redevelopment of this area, given the proposed conditional use permit only requests alcohol service at a restaurant. Commercial uses should not be affected as restaurants are a common and anticipated use in such areas.

The multi-family residential uses located south and southwest of the site should not be adversely impacted as a result of the project, given the restrictions on the restaurant's hours of operation.

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

The applicant's request to serve alcoholic beverages at the proposed restaurant will not result in inadequate public or private facilities. The project site is already developed. No significant changes are proposed to the footprints of the buildings or to their exterior appearance. The change of use to a full service restaurant allowing alcohol sales and service should not result in a significant increase in utility use. Brand Boulevard is identified as a major arterial and Gardena Avenue is identified as a local street in the city's Circulation Element and this street can adequately handle the traffic circulation adjacent to the site. With the separate approval of the parking use permit application (PPUP 1204737), allowing off-site parking at the Larry Zarian Transportation Center (400 West Cerritos Avenue), the proposed use will provide the minimum number of parking spaces required by the City's parking regulations.

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

1) That such use does not or will not tend to intensify or otherwise contribute to the adverse impacts on the surrounding area caused by over concentration as described above in finding B.
2) That such use does not or will not tend to encourage or intensify crime within the district as described above in finding B.
3) That such use does not or will not adversely impact any other uses within the surrounding area (church, public or private schools or college, day care facility, public park, library, hospital or residential use) as described above in finding C.
4) That the proposed use satisfies its transportation or parking needs as described above in finding D.
5) That the proposed use does or will serve a public necessity or public convenience purpose for the area as evidenced by the continued operation of this restaurant with alcoholic beverage on-site sales, service and consumption as described above in finding A.

SUMMARY OF PLANNING HEARING OFFICER'S DECISION

The Planning Hearing officer was able to make all four required findings in favor of the application and was able to justify approval of the case based on the five criteria required for alcohol-related cases in Sub-Section 30.42.030(E), Glendale Municipal Code. The conditions attached to the approval will control the use in a manner necessary to allow the use to properly fit into the specific location.

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. That alcoholic beverages shall be served only in conjunction with the consumption of food at a full-service restaurant.
4. That the sale and serving of alcoholic beverages shall be for consumption on the premises only.
5. That no exterior signs advertising the sales/service of alcoholic beverages be permitted.
6. That all music, lighting, noise and odors shall be confined to the occupancy so as not to disturb occupants of other adjacent businesses or properties and patrons on the public right-of-way. The Planning Hearing Officer's opinion shall prevail to arbitrate any conflicts.
7. That the facilities shall not be rented, leased or otherwise occupied for purposes not specified.
8. That the premise shall remain open to the public during business hours as a full-service restaurant as defined in Chapter 30.70 of the Glendale Municipal Code (G.M.C).
9. That any expansion or modification of the facility or use that intensifies the existing Conditional Use Permit shall require a new Conditional Use Permit application. Expansion shall constitute adding floor area or tables, changes to the use or operation, or any physical change as determined by the Planning Hearing Officer, with concurrence from the Director of Community Development.
10. That the proposed full-service restaurant adheres to the City's Fresh Air Ordinance.
11. That the service of alcoholic beverages shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control.
12. That access to the premises shall be made available upon request to all City of Glendale authorized staff (i.e. Community Planning Department, Building and Safety Division, Fire Department, Police Department, etc.) for the purpose of verifying compliance with all laws and the conditions of this approval.
13. That the full-service restaurant shall close at **1:00 a.m. Thursday through Sunday and at midnight Monday through Wednesday.**
14. The applicant shall provide all current and future employees with training designated to help them recognize intoxicated or underage patrons.
15. That all conditions of Parking Use Permit 1204737 shall be complied with.
16. No signs advertising alcohol shall be permitted on any doors or windows of the establishment.
17. A new zoning use certificate (ZUC) shall be obtained to reflect all changes approved by Case No. PCUP 1204734 and the expiration date of said CUP.
18. That the authorization granted herein shall be valid for a period of **FIVE YEARS, UNTIL OCTOBER 4, 2017,** 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 Building and Safety Section upon request and must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **October 3, 2012** in the Permit Services Center, 633 E. Broadway, Room 101.

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 sold, 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.

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 appli

cable 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 and/or Hearing Officer who acted on this case. This would include clarification, 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.

Should you have any questions regarding this issue, please do not hesitate to contact the undersigned.

Sincerely,

Jeff Hamilton

Jeff Hamilton
Planning Hearing Officer

JH:sm

CC: City Clerk (K.Cortes); Police Dept. (Tim Feeley); City Attorney's Dept. (G. van Muyden/M.Yun); Fire Prevention Engineering Section-(D.Nickles); Director of Public Works (Stephen Zurn); City Engineer and Traffic & Transportation Section (Roubik Golanian); Glendale Water & Power--Water Section (R.Takidin); Glendale Water & Power--Electric Section (M.Kelley/M.Jackson); Parks, Recreation and Community Services Dept. (Emil Tatevosian); Neighborhood Services (A.Jimenez); Integrated Waste Management Admin. (D.Hartwell); Maintenance Services Section Admin. (D.Hardgrove); Street and Field Services Admin.; Environmental Management (M.Oillataguerra); Dr.A.Karamanoukian-business owner; N.Hasoutyan; G.M. Iskandirossian; K.Kabablian; A.Minasyan; and case planner – Roger Kiesel.