glendale california

City of Glendale
Community Development
Planning & Neighborhood Services

633 E. Broadway, Room 103
Glendale, CA 91206-4311
Tel 818.548.2140 Tel 818.548.2115
Fax 818.240.0392 ci.glendale.ca.us

September 10, 2015

Thomas R. Hoffman
California Banquet Corporation
601 Fair Oaks Avenue
South Pasadena, CA 91030

RE: 801 NORTH CENTRAL AVENUE
ADMINISTRATIVE USE PERMIT NO. PAUP 1514428
(SHAKERS RESTAURANT/CENTRAL GRILL)

Dear Mr. Hoffman:

Pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30, the Community Development Department processed your application for an Administrative Use Permit to allow the on-site sale, service, and consumption of a full line of alcoholic beverages at an existing full-service restaurant with a new sit-down bar, located at **801 North Central Avenue**, in the "C2" – Community Commercial Zone, described as Lot 96, Pioneer Investment and Trust Company's Glendale Place (ex of sts alley), in the City of Glendale, County of Los Angeles

CODE REQUIRES

1) On-site sale, service and consumption of alcoholic beverages require an administrative use permit in the "C2" – Community Commercial Zone.

APPLICANT'S PROPOSAL

1) An administrative use permit (AUP) to allow the on-site sale, service, and consumption of a full line of alcoholic beverages at an existing full-service restaurant with a new sit-down bar.

ENVIRIONMENTAL DETERMINATION

Categorically Exempt. The project is exempt from CEQA review as Class 1 "Existing Facilities" exemption pursuant to State CEQA Guidelines Section 15301.

After considering the evidence presented with respect to this application, the Director of Community Development Department has **APPROVED WITH CONDITIONS** your request based on the following findings:

REQUIRED FINDINGS

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

The existing 4,846 square foot restaurant has been used as a full service restaurant with the service of beer and wine since 1985. The economic activity generated by this restaurant is consistent with the objectives of the General Plan. The proposed use, which is located in the Community Commercial (C2) is compatible with commercial and residential uses. The new restaurant (Central Grill), which will replace Shakers Restaurant, will be a complementary

restaurant (Central Grill), which will replace Shakers Restaurant, will be a complementary service to the adjacent businesses and high-density residential area, and is anticipated to continue to be consistent with the various elements and objectives of the General Plan and the C2 Zone, given that the applicant requests only the expanded ability for on-site sales, service and consumption of a full-line of alcoholic beverages.

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 restaurant use with on-site service and consumption of beer and wine has met the intent and requirements of the zoning ordinance and has not proven to be detrimental to the public health or safety for the last 30 years, since it has been serving alcoholic beverages. Similar uses exist in the area and within the community, which have not proven to be detrimental to the general welfare or the environment. It is anticipated that the sales, service, and consumption of a full line of alcoholic beverages at Central Grill will not be detrimental to the general welfare, public health or safety, or the general welfare of the surrounding community, ensured by the conditions of approval for the administrative use permit imposed by the Community Development Department and the Glendale Police Department. Shakers Restaurant is located in census tract 3018.01 which allows for 3 On-Sale establishments. There are currently 12 On-Sale licenses in this tract. Shakers Restaurant is one of the existing 12. Based on arrests and Part 1 crime statistics for census tract 3018.01 in 2014, there were 226 crimes-above the city wide average of 173. Within the last calendar year, there were a few calls for service at the location but none of the calls were directly related to alcohol sales. However, recommended conditions of approval will ensure that crime should not be intensified.

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

The restaurant facility has been in operation for 41 years, and has been serving alcohol for 30 years without generating any nuisance. The new establishment will continue to be in the business of preparing and serving meals for consumption on the premises and such use will not adversely affect or conflict with the adjacent uses. The premise has operated in full accord with current zoning code requirements and the conditions of approval in the Conditional Use Permit No. 7747-CU for Shakers Restaurant, approved on February 15, 1985. It is not anticipated that the new branding as Central Grill will affect the adjacent uses or impede the normal development of surrounding property to a greater or lesser extent than Shakers restaurant has for the past 30 years.

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 proposed use and for the structure. There are no changes or modifications requested at this time that would alter the existing conditions at the site. The existing business is located in a commercial building. The restaurant currently provides 51 off-street parking spaces to be used exclusively for the purposes of Central Grill, the successor to Shakers Restaurant, on a lot to the west of the restaurant. No changes to the number of parking provided, the layout, or the circulation are proposed for this lot, with the change of the restaurant's branding to Central Grill. In

addition, five parking spaces are located on the same lot as the restaurant. Two non-Code compliance parking spaces will be removed and replaced with landscaping and possibly outdoor dining at a later time.

REQUIRED ADDITIONAL FINDINGS OF FACT FOR AN AUP FOR ALCOHOL SALES, SERVICE AND CONSUMPTION:

That all the following criteria (set forth in Section 30.49.030) have been met and thoroughly considered in making the findings in subsection a. through d. above:

1) That such use will not tend to intensify or otherwise contribute to the adverse impacts on the surrounding area caused by over concentration.

2) That such use will not tend to encourage or intensify crime within the district.

3) That such use 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).

4) That the proposed use satisfies its transportation or parking needs as described above because adequate access, parking and delivery spaces are available to serve this use.

5) That the proposed use will serve a public necessity or public convenience purpose for the area.

CONDITIONS OF APPROVAL

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

CONDITIONS:

1. That the development shall be in substantial accord with the plans submitted with the application except for any modifications as may be required to meet specific code standards or other conditions stipulated herein to the satisfaction of the Director of Community Development.

2. That all necessary permits shall be obtained from the Building and Safety Division and all construction shall be in compliance with the Glendale Building Code and all other applicable regulations.

3. That 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.

4. That the two non-Code compliant parking spaces adjacent to the western portion of the restaurant be removed and replaced with landscaping or outdoor dining (landscaping plan to be approved by the Planning Hearing Officer).

5. That the off-site parking for the restaurant on the adjacent lots at 317 and 321 Burchett Street shall be maintained per previous planning application approvals (Case No. 5481-U and Case No. 7356-U&S) and per the recorded Covenant and Agreement dated April 27, 1983.

6. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.

7. That the facilities shall not be rented, leased, or otherwise occupied for the purposes not specified in this application.

8. That any expansion or modification of the facility or use shall require a new administrative use permit. Expansion shall constitute adding of an additional unit, floor area, increased hours of operation, or any physical change as determined by the Planning Hearing Officer, with concurrence from the Director of Community Development.

9. 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.

10. That sufficient measures be enforced to effectively eliminate interior and exterior loitering, parking congestion, disturbing noise, disturbing light, loud conversation and criminal activities.

11. That all music, lighting, noise and odors shall be confined to the occupancy so as not to disturb occupants of other adjacent residences and businesses or properties and patrons on the public right-of-way. The Planning Hearing Officer's opinion shall prevail to arbitrate any conflicts.

12. That access to the premises shall be made available upon request to all City of Glendale authorized staff (i.e. Community Development Department, Planning and Neighborhood Services Division, 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 at all times when the premises are open for business, the sales and 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.

14. That the sales and service of alcoholic beverages shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control.

15. That the sale of beer, wine, and/or distilled spirits for consumption off the premises is strictly prohibited.

16. That no patron to the business establishment will be allowed to bring into the establishment or maintain in the establishment, any alcoholic beverage unless that alcoholic beverage was purchased within the establishment, unless the facility has an established corkage policy allowing and regulating such.

17. That the restaurant 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) and shall provide a menu containing an assortment of foods normally offered in such establishment. Food service shall be available at all times.

18. That the restaurant shall adhere to the City's Fresh Air (smoking) Ordinance, Title 15, Chapter 8.52 of the Glendale Municipal Code.

19. 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.

20. That no exterior signs advertising the sales/service of alcoholic beverages be permitted.

21. That a Business Registration Certificate shall be applied for and issued for a full service restaurant with on-site sales, service, and consumption of beer, wine and distilled spirits subject to the findings and conditions outlined in this decision letter.

22. That prior to the issuance of a Business Registration Certificate, the applicant must provide proof of an issued ABC license.

23. That authorization granted herein shall be valid for a period of 10 years until ***September 10, 2025.***

APPEAL PERIOD

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 **September 25, 2015** 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 pm to 5 pm.

APPEAL FORMS available on-line: http://www.glendaleca.gov/appeals

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 30.16.610 of the Glendale Municipal Code, 1995, provides for the Director of Community Development to have continuing jurisdiction over any administrative use permit which is or has been granted and may revoke any administrative use permit in whole or in part at any time for failure to comply with any condition or requirement imposed at the time of approval.

GMC CHAPTER 30.4 PROVIDES FOR:

Termination
Every right or privilege authorized by an administrative 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 administrative 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 administrative 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, ***Kathy Duarte***, who can be reached direction at *(818-937-8163)* or via email *(kduarte@glendaleca.gov)*. 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,

Phillip Lanzafame
Interim Director of Community Development

Laura Stotler, Principal Planner

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-(J.Halpert); Dir. Of Public Works (R.Golanian); Traffic & Transportation Section (W. Ko/S. Vartanian); General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (G. Tom/S. Boghosian); Glendale Water & Power--Electric Section (V. Avedian/B. Ortiz); Parks, Recreation and Community Services Dept. (T. Aleksanian); Neighborhood Services Division (S. Mirzaians); Integrated Waste Management Admin. (D. Hartwell); Maintenance Services Section Admin. (D. Hardgrove); Street and Field Services Admin.; Engineering and Environmental Management (C.Chew/R. Villaluna); and case planner- Kathy Duarte.