



CITY OF GLENDALE, CALIFORNIA
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division

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January 25, 2013

Lilit Davtyan
5301 Balboa Boulevard
Encino, CA 91316

**RE: 1111 SOUTH CENTRAL AVENUE
CONDITIONAL USE PERMIT NO. PCUP 1227779 – BEER AND WINE
(Central Avenue Billiard Place)**

*Also See: (1) Conditional Use Permit No. PCUP 1234377 – Billiard
Establishment
(2) Parking Reduction Permit No. PPRP 1232237*

Dear Ms. Davtyan:

On January 16, 2013, 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 provide on-site sales, service and consumption of beer and wine, located at **1111 South Central Avenue**, in the "C3" - Commercial Service Zone, described as Portion of 17, Watts Subdivision, in the City of Glendale, County of Los Angeles.

APPLICANT'S PROPOSAL

Conditional Use Permit

(1) On-site sales, service and consumption of beer and wine at the billiards establishment.

CODE REQUIRES

Conditional Use Permit

(1) On-site sales, service and consumption of beer and wine require a Conditional Use Permit in the "C3" Zone.

ENVIRONMENTAL RECOMMENDATION: This project is exempt from the California Environmental Quality Act (CEQA).

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:

Pursuant to Section 30.42 of the Glendale Municipal Code, a Conditional Use Permit for the on-site sales, service, and consumption of beer and wine may be granted only if the following findings of fact can be made:

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

The Land Use Element classifies the subject site as a "C3" - Commercial Service Zone which allows beer and wine sales at a billiards establishment subject to approval of a conditional use permit. The existing billiard establishment is a recreation use and allowing beer and wine is a reasonable extension of it and serves a public necessity. The premise's main use will continue to be renting billiard tables. Conditions placed on approval of this conditional use permit will ensure beer, wine and food sales are ancillary to the primary billiard facility use and not a tavern or restaurant use. Given that this conditional use permit application only requests the ability to sell, serve and consume beer and wine on-site, other elements of the General Plan, as analyzed in Conditional Use Permit No. PCUP 1234377 for the billiards facility will not be further impacted. Furthermore, the location of this facility within a commercial center, yet in close proximity to moderate and medium density residential neighborhoods, will allow service of beer and wine to serve a public convenience.

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.

Conditional Use Permit No. PCUP 2010-022 was approved on August 10, 2010 with conditions to allow a billiard establishment to operate on the subject site. The Police Department and the Neighborhood Services Division have no open code enforcement cases relating to the operation of the billiard establishment. The current conditional use permit application seeks to allow the sales, service and consumption of beer and wine on the premises of the billiard establishment. The billiard establishment is located in a census tract where there are five more on-sale establishments than would otherwise be allowed and Part 1 crimes (felony-related) are 162 percent above the city-wide average. While Central Avenue Billiard Place is located in a census tract which exceeds the recommended number of on-sale establishments and has more crime than other areas of the City, it also contains portions of higher population density with commercial and residential streets which are likely to have higher concentrations of outlets selling alcohol, than lower density census tracts.

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

The existing billiards establishment is located in an existing shopping center which contains a variety of retail and office uses. This commercial center has been

operating since 1960 and is surrounded by similar higher density commercial and residential uses. Alcohol sales at recreation-type uses could be detrimental to the public health or safety and the general welfare due to patron drunkenness, noise or customer congregation; however, Central Avenue Billiard Place has been in operation since August 2010 without being disruptive to the surrounding land uses. The Police Department and Neighborhood Services Division do not have any code enforcement cases for this tenant or the shopping center. No negative comments were received from other City Departments that would indicate the billiards hall would adversely affect or conflict with or impede normal development in the community. Conditions placed on the approval of this conditional use permit will reduce the potential for these negative impacts to occur. For example, the hiring of a security guard during hours of operation will help monitor patrons loitering on the site, dissuade on-site criminal activity and prevent unruly customer behavior. Conditions of approval and the Planning Hearing Officer's continuing jurisdiction over this case will ensure compliance with City codes, ordinances and regulation; otherwise, the recommended approval can be revoked.

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.

On August 10, 2010, Conditional Use Permit No. PCUP 2010-022 and Parking Reduction Permit No. 2010-002 were granted with conditions for a billiard establishment with reduced parking. Currently the applicant is requesting to allow the on-site sales, service and consumption of beer and wine which is generating the need for new applications. No floor area addition to the billiards establishment is proposed and no changes are proposed to reduce the number of parking spaces and redesign the parking lot. The ability to sell, serve and consume beer and wine will remain an ancillary use and is not anticipated to increase the need for public or private facilities, including parking, at this business. The site and surrounding neighborhood are developed with adequate public and private facilities and infrastructure. The shopping center has 69 parking spaces and is located at the corner of Central Avenue and Chevy Chase Drive. Both streets have sufficient capacity to handle the billiards facility's traffic circulation. A shared parking analysis submitted with this application shows that there will be sufficient parking available because the majority of businesses will close when Central Avenue Billiard Place opens.

Furthermore, 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 as recommended by the California Department of Alcoholic Beverage Control, such use will not tend to intensify or otherwise contribute to the adverse impacts on the surrounding area caused by such

over concentration as commented on by the City of Glendale Police Department; because the sales, service and consumption of beer and wine will be an ancillary use to the existing billiards establishment's primary recreation use and, as conditioned, it is not anticipated to intensify or create adverse impacts. This is considered above in paragraph B. of the findings.

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 as noted in the City of Glendale Police Department comments. This is considered above in paragraph B. of the findings. Conditions placed on the approval of this conditional use permit will reduce the potential for deleterious impacts to occur. Furthermore, the Police Department has not received any Part 1 crime (felony-related) calls for service at this business since it began operating in August 2010, and the Neighborhood Services Division has no open noise and nuisance code violations relating to the operation of the billiard establishment.
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. The billiards establishment is located in a shopping center in an area of the city that has higher density developments. The sales, service and consumption of beer and wine at the Central Avenue Billiard Place establishment will not adversely impact sensitive land uses because conditions of approval and the Planning Hearing Officer's continuing jurisdiction over this case will ensure compliance with City codes, ordinances and regulation; otherwise, the recommended approval can be revoked.
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. This is considered above in paragraph D of the findings. The applicant submitted a shared parking analysis showing that there would be adequate on-site parking spaces available because the majority of shopping center tenants would be closed during by the time the Central Avenue Billiard Place opens.
5. That, notwithstanding consideration of the criteria in subsections 1 through 4 above, the proposed beer sales, service and on-site consumption use does serve a public convenience and necessity for the area as considered above in paragraph A. The ancillary service of beer and wine at the billiard establishment will serve a public necessity because it is part of a recreation use in an area of the City that does not contain a concentration of recreation-type uses. The location of this project in a commercial center in proximity to moderate and medium density residential neighborhoods will also serve a public convenience. Conditions placed on the approval of the project will ensure that it will not adversely impact nearby businesses and residential uses.

SUMMARY OF PLANNING HEARING OFFICER'S DECISION

The Planning Hearing Officer was able to make the required findings for the conditional use permit for on-site sales of beer and wine, ancillary the billiard use and service of food. Conditions have been added to ensure this business remains a billiard establishment and that the primary use does not become a restaurant or tavern.

CONDITIONS OF APPROVAL

APPROVAL of this Conditional Use Permit PCUP1227779 (for beer and wine) 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 licenses, permits as required or approvals from Federal, State, County or City authorities including the City Clerk shall be obtained and kept current at all times.
- 3) That the premises shall be operated in full accord with applicable State, County, and local laws, including a new Zoning Use Certificate that shall be immediately obtained (no fee required) to reflect the new conditional use permit approval.
- 4) That a security guard shall be employed by the business from 6:00 pm to 12:30 a.m. each day the business is open.
- 5) That the sale of beer and wine shall be prohibited one hour prior to closing.
- 6) That the premises shall maintain a bona fide billiards establishment and that the combined sales of beer, wine and food service shall be less than fifty (50) percent of revenue for the billiards establishment. The total sales of beer, wine and food service shall always be supplemental and ancillary to the billiards establishment. No additional land uses not recognized in this approval shall be established on the subject property.
- 7) That food service shall be available at all times beer and wine service is offered.
- 8) That all signs displayed shall conform to the requirements of the Glendale Municipal Code.
- 9) That any expansion or modification of the billiards establishment or use shall require a new conditional use permit application. Expansion shall constitute adding more than 34 seats, or floor area, increasing hours of operation or having combined sales of beer, wine and food that is greater than the sales for playing billiards, or any change as determined by the Hearing Officer.

- 10) That access to the premises shall be made available to all City of Glendale Planning 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 approval.
- 11) That the applicant shall comply with all the conditions of Conditional Use Permit Case No. PCUP No. 1234377 (for Billiard Establishment) as specified in the decision letter dated January 24, 2013.
- 12) That the applicant shall comply with all the conditions of Parking Reduction Permit Case No. PPRP 1232237 as specified in the decision letter dated January 24, 2013.
- 13) That the authorization granted herein shall be valid for a period of ten years, until **FEBRUARY 15, 2023**, 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 Division upon request and must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **February 11, 2013**, in the Building and Safety Division, 633 East 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 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 (Christopher Baxter at 818.937.8162) 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,



Laura Stotler
Planning Hearing Officer

LS:sm

CC: City Clerk (K.Cortes); Police Dept. (Tim Feeley/Z.Avila); City Attorney's Dept. (G. van Muyden/M.Yun); Fire Prevention Engineering Section-(D.Nickles); City Engineer and Traffic & Transportation Section (Roubik Golanian/G.Tom); Director of Public Works and General Manager for Glendale Water and Power (Stephen Zurn); 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 Division (A.Jimenez); Integrated Waste Management Admin. (D.Hartwell); Maintenance Services Section Admin. (D.Hardgrove); Street and Field Services Admin.; Environmental Management (M.Oillataguerra); Rafi Nazaryan – representing the applicant; and case planner – Christopher Baxter.