



CITY OF GLENDALE, CALIFORNIA
Planning Department

633 East Broadway, Room 103
Glendale, California 91206-4385
(818) 548-2140 (818) 548-2144
(818) 548-2115 Fax (818) 240-0392
www.ci.glendale.ca.us

October 7, 2010

Davit Hazryan
730 S. Central Avenue
Glendale, CA 91204

**RE: CONDITIONAL USE PERMIT CASE NO. PCUP 2010-001
730 S. CENTRAL AVENUE / APN 5641-031-045**

Dear Mr. Hazryan:

The Planning Commission of the City of Glendale, at its meeting held on October 6, 2010, conducted a public hearing on your appeal regarding Conditional Use Permit Case No. PCUP 2010-001 located at 730 S. Central Avenue. After due consideration, the Planning Commission **sustained** the Planning Hearing Officer's decision approving said conditional use permit application, with conditions as amended. A copy of the motion adopted by the Commission is attached.

Under the provisions of Chapter 2.88 of the Glendale Municipal Code, any person affected by the decision of the Commission has the right to appeal said determination to the City Council 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 at the hearing. Any appeal must be filed within fifteen (15) days following the actual date of such action (**October 21, 2010**). Appeal forms will be provided upon request and must be filed in the Building and Safety Division, 633 East Broadway, Room 101, together with the required filing fee for such appeal, prior to expiration of the fifteen (15) day period.

If you have any questions, please do not hesitate to call Christopher E. Baxter, Planner at (818) 937-8162.

Sincerely,

Hassan Haghani, AICP
Director of Community Planning Department

A handwritten signature in black ink that reads "C. E. Baxter".

Christopher E. Baxter
Planner

Attachment: Motion

CC: City Clerk; Fire Engineering Section; City Attorney's Office-Mike Garcia; Community Planning Dept.-Howard Malis; CPD-Neighborhood Services; Public Works-Director; PW-Traffic and Transportation; PW-City Engineer; Glendale Water & Power; Glendale Police Dept.-Stephen Davey; Nicholas Oatway; Margaret Hammond; Dept. of Alcoholic Beverage Control.

MOTION

Moved by Commission Member Landregan, seconded by Commission Member Yesayan, that upon review and consideration of all materials and exhibits of current record relative to Conditional Use Permit Case No. PCUP-2010-001, located at 730 S. Central Avenue, and after having conducted an appeal hearing on said matter, that the Planning Commission hereby **amends** conditions of the Planning Hearing Officer's decision and **APPROVES** said Conditional Use Permit Case No. PCUP-2010-001, to allow the sale, service and on-site consumption of beer and wine at an existing billiards hall, located at 730 S. Central Avenue, in the "CG"- Commercial General Zone, described as Portion of Lot 1, Tract No. 4378; Portion of Lot 5, Birmingham's Tract; Portion of Lot 51, Tract No. 39 in the City of Glendale, County of Los Angeles, in accord with the Planning Hearing Officer's findings and amended conditions set forth in the decision letter of July 2, 2010.

REQUIRED/MANDATED FINDINGS

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

The applicant is seeking approval of a conditional use permit to allow the sales, service and on-site consumption of beer and wine at an existing billiard establishment. The Land Use Element classifies the subject site as a Non-Auto Dealer Commercial area in the South Brand Boulevard Specific Plan. One of the purposes of this Plan is to concentrate automobile dealerships along Brand Boulevard and permit other commercial development in specific areas, while preserving existing residential neighborhoods. The existing billiard establishment (Billiards Corner) is a non-auto related commercial use. The corresponding zoning of the subject site, "CG" - Commercial General, reinforces the Land Use Element of the General Plan and allows billiard establishments with approval of a conditional use permit. A conditional use permit was approved for the business in 2008. The existing billiard establishment is an entertainment use by nature and allowing the sales, service and on-site consumption of beer and wine is a reasonable extension of this use. The main use of the premises will continue to be the renting of billiard and pingpong tables for recreation. Conditions placed on approval of this conditional use permit will ensure alcohol sales, service and consumption is an ancillary use and the nearby residential neighborhood will not be adversely impacted.

Given that the conditional use permit application only requests the ability to sell, serve and consume beer and wine on-site, other elements of the General Plan including the Noise, Circulation, Open Space, Recreation, Housing and Safety Elements will not be impacted as a result of the project.

- 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.**

On June 16, 2008, a conditional use permit (PCUP 2008-009) was approved with conditions to allow a billiard establishment to operate on the subject site. The Police Department has not received any calls for service related to this business since it began operating. The Neighborhood Services Division has no open code violations 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 more on-sale establishments than would otherwise be allowed. Additionally, based on Part 1 crime statistics for this census tract, there were 224 crimes, 141% above the city-wide average. While Billiards Corner is located in a census tract which exceeds the number of on-sale establishments as recommended by the California Department of Alcoholic Beverage Control and has more crime than other areas of the city, this tract contains portions of the heavily commercial streets of Brand Boulevard, Central

Avenue and San Fernando Road and significant amounts of multi-family residential units. Areas of the city with large concentrations of commercial and multi-family units tend to have more crime and a higher concentration of outlets selling alcohol than census tracts containing predominantly lower density residential areas.

Typically, alcohol sales at entertainment-type uses such as Billiards Corner would be detrimental to the public health or safety and the general welfare due to patron drunkenness, noise or customer congregation. Conditions placed on the approval of this conditional use permit will reduce the potential for these deleterious impacts to occur. Customers will be prohibited from congregating in the courtyard adjacent to the business and the parking lot. This condition will help address a concern of the Police Department, who cited the difficulty seeing into the establishment from the parking lot and the potential for noise impacts. The hiring of a security guard during certain hours of operation of the billiard establishment will help monitor the prohibition on patrons gathering in certain areas of the site, dissuade on-site criminal activity and prevent unruly customer behavior.

Conditions will also be added to approval of the project restricting the hours of operation for the business and beer and wine sales and requiring that a minimum number of billiard/pingpong tables are located within the business.

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 billiard establishment is located in a two-story commercial development, which contains a variety of retail uses, a dental office, several restaurants and a tutoring center, among other uses. The commercial center is located in an area of the city, which is fully developed with offices to the north and south, multi-family residential development to the east and a commercial center with retail, office and restaurant uses to the west. Since the area surrounding the subject site is developed, the sales, service and consumption of alcohol at the existing billiard establishment will not impede the normal development of the area. Additionally, the project should not impede in any redevelopment of this street, given the proposed conditional use permit only requests the ability to sell, serve and consume beer and wine at the existing billiard establishment.

The project site is located on South Central Avenue, which contains a significant number and variety of commercial businesses. In addition, as previously mentioned, the commercial center in which the billiard establishment currently operates contains many different types of businesses. Compatibility of land uses is important to fostering a productive and thriving community. The existing billiard establishment is an entertainment use, which received approval of a conditional use permit to operate on the subject site. The area, however, where Billiards Corner is located, does not contain a concentration of entertainment-type uses similar to parts of Brand Boulevard. Conditions placed on the approval of the project, including restricting the hours of operation and beer and wine sales, will ensure that the proposed project will not adversely impact nearby uses, particularly sensitive education and residential uses.

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 June 16, 2008, Conditional Use Permit No. PCUP 2008-009 was granted with conditions for a billiard establishment at the subject site. The current conditional use permit (Conditional Use Permit No. PCUP 2010-001) requests to allow the on-site sales, service and consumption of beer and wine at the billiards establishment. The ability to sell, serve and consume beer and wine at the existing establishment is an auxiliary use and is not anticipated to increase the need for public or private facilities at the existing business. The site and surrounding neighborhood are developed with adequate public and private facilities

and infrastructure. No changes are proposed to the parking or on-site landscaping. The shopping center in which the billiards establishment is located has sufficient parking spaces to accommodate this use and beer and wine service is not expected to increase the need for parking. Central Avenue is identified as a major arterial with sufficient ability to handle access into and out of the site without difficulty. The Traffic Engineer's Section did not submit concerns related to traffic circulation and parking.

E. 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 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.
- 2) That such use does not or will not tend to encourage or intensify crime within the district.
- 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).
- 4) That the proposed use satisfies its transportation or parking needs.
- 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 retail use for off-site consumption of beer and wine.

CONDITIONS OF APPROVAL

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

- 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 Planning Hearing Officer.
- 2) That all necessary permits shall be obtained from the Building and Safety Section 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 hours of operation of the business and the sales, service and on-sale consumption of beer and wine shall not exceed:
Sunday – Wednesday: 1:00 pm. to 12:00 a.m.
Thursday – Saturday: 1:00 pm. to 1:00 am.
- 5) A security guard shall be employed by the business from 7:00 pm to one-half hour after closing of the business, each day the business is open.
- 6) The operator of the business shall prohibit customers of the business from congregating in the courtyard adjacent to the business or the parking lot of the subject site.
- 7) There shall be at least two employees on-site at all times, not including the security guard.

- 8) There shall be a minimum of five billiard and /or pingpong tables located within the business. The tables shall be maintained in good repair and able to be rented.
- 9) There shall be no more than two tables with two chairs each within the business.
- 10) Tinting of front windows or installing signs (other than those signs required by CUP 2008-009) on front windows shall be prohibited.
- 11) That the premises shall be maintained in a clean and orderly condition, free of weeds, trash and graffiti.
- 12) That the facilities shall not be rented, leased or otherwise occupied for purposes not specified in this application.
- 13) That any expansion or modification of the facility or use which intensifies the existing Conditional Use Permit shall require a new Conditional 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.
- 14) 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 people on the public right-of-way.
- 15) That the proposed billiard establishment adheres to the City's Fresh Air (smoking) Ordinance.
- 16) 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 of the City of Glendale. No trash containers shall be stored in any parking area.
- 17) That all signs displayed shall conform to the requirements of the Glendale Municipal Code.
- 18) That no exterior signs advertising the sales/service of beer and wine be permitted.
- 19) That the service of beer and wine shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control.
- 20) That sufficient measures be enforced to effectively eliminate interior and exterior loitering, parking congestion, disturbing noise, disturbing light, loud conversation and criminal activities.
- 21) That access to the premises shall be made available upon request to all City of Glendale authorized staff (i.e. Community Planning Department, 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.
- 22) That no dancing shall take place without a public dance permit pursuant to Title 5 of the Glendale Municipal Code.
- 23) That the authorization granted herein shall be valid for a period of one year, until October 6, 2011, at which time, a reapplication must be made.
- 24) That the parking area shall be kept adequately illuminated for security purposes during all hours of darkness. Lighting fixtures shall be installed and maintained in the parking area in those areas where street lights do not effectively illuminate the premises. The lighting shall be directed away from the residential properties.

- 25) Patrons shall not use the subterranean (lower level) parking lot.
- 26) That CUP 2008-009 shall remain in full force and effect. Any conflict between conditions imposed by CUP 2008-009 and this permit shall be resolved by the Director of Community Planning.

VOTE :

Ayes: Landregan, Yesayan, Kane
Noes: Scheetz
Abstain: None
Absent: Lee