



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 1234377 – Billiard Establishment
(Central Avenue Billiard Place)**

*Also See: (1) Conditional Use Permit No. PCUP 122779 – Beer And Wine
(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 continue the existing billiards establishment, 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) A billiards establishment.

CODE REQUIRES

Conditional Use Permit

(1) A billiards establishment requires 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. The proposed use will be consistent with the various elements and objectives of the general plan.

A billiards establishment with food service, alcohol sales and seating would be consistent with the City's General Plan because this type of recreation use is allowed by the Land Use Element, subject to review by the conditional use permit process. The Land Use Element encourages flexibility in the range and type of services provided in commercial areas, including recreation. No new floor area is proposed for the existing billiards facility, nor are changes proposed to the number of parking spaces or parking lot design. Neighborhood Services Division noted that there is a lack of parking for businesses and residents in the community and the Police Department recommended that the related Parking Reduction Permit application not be approved for the same reason. However, the applicant's shared parking analysis indicates there would be sufficient parking available on-site for a billiards establishment because most of the uses in the center are open during daytime hours, while hours of operation for the billiard facility are limited to evenings after 6:00 p.m. No other use in the retail center is open after 8:00 p.m. Sufficient access and egress into and out of the shopping center parking lot is from both Central Avenue, a major arterial to the east, and Chevy Chase Drive, a minor arterial to the north, as noted in the Circulation Element. It is not anticipated that there will be increased parking and traffic circulation impacts as a result of Central Avenue Billiard Place adding beer, wine and additional seating since a condition will limit their sales to be ancillary to the sales of playing billiards. Potential noise that may be generated by the billiards establishment would be regulated by the City Noise Ordinance, which implements the goals of the Noise Element, and conditions of approval. Currently, the Police Department and the Neighborhood Services Division do not have any code enforcement cases for noise and nuisance impacts against Central Avenue Billiard Place. Standard conditions restricting noise and nuisance issues, including requiring security staff, will be added to further guarantee these issues will be regulated in the future. The Planning Hearing Officer also has continuing jurisdiction over these cases and could rescind their approvals if violations of conditions and ordinances warrant it.

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.

No information was found in the City records or submitted in response to requests for comments that show Central Avenue Billiard Place would be detrimental to the community with the exception of limited parking. Neighborhood Services Division and the Police Department submitted comments stating that there is a lack of parking for businesses and residents in the community though not specifically as a result of the shopping center or the existing billiards establishment. Their concern was that by reducing parking at this site it will cause customers to seek parking off-site, where limited parking is available. However, the Traffic Engineering Section did not submit any comments or objections to the proposal. The applicant

submitted a shared parking analysis showing that there would be adequate on-site parking spaces available because all but two other tenants of the shopping center tenants would be closed by 6:00 pm, the time the Central Avenue Billiard Place opens. Regarding code enforcement cases for nuisances and noise related issues, the Police Department and the Neighborhood Services Division noted no complaints about the billiard establishment. Standard conditions are proposed to address fire safety, security, noise and nuisance issues, and the hearing officer has continuing jurisdiction over this case should issues arise that conflict with the conditions of approval.

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

The billiards facility has operated since August 2010 consistently with the existing conditional use permit conditions and the Zoning Code. No City record has been introduced that shows it is having a negative impact or would injure the normal operation and development of surrounding tenants and properties. The Police Department and Neighborhood Services Division do not have any code enforcement cases for this tenant; however, both have expressed concerns about the lack of parking in the community but not specifically for this property. It should be noted that the Traffic Engineering Section did not submit comments about parking and traffic circulation issues for the surrounding community as a result of insufficient parking on this property. A parking survey submitted with the application indicates there will be sufficient parking for the billiards use because the majority of businesses will close by the time Central Avenue Billiard Place opens leaving sufficient on-site parking. The Fire Department will require standard conditions about updating the occupancy load and assembly permits and verifying that the tenant space's access and egress complies with the fire code. No negative comments were received from other City Departments that would indicate the billiards facility would adversely affect or conflict with or impede normal development in the community. 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. Adequate public and private facilities such as utilities, landscaping, parking spaces and traffic circulation measures are or will be provided for the proposed use.

The shopping center has been in existence in southern Glendale since 1960 and the surrounding neighborhood was developed with adequate public and private facilities and infrastructure. No floor area addition to the billiards establishment is proposed and no changes are proposed to the number of parking spaces and parking lot design. Adequate private parking facilities are available for employees and patrons at the shopping center, particularly since the applicant's shared parking analysis showed that the billiards establishment will be open while the majority of other shopping center tenants will be closed. Additional parking spaces are available on Central Avenue directly in front of the proposed use. Furthermore, the Traffic Engineer's Section did not submit negative comments relating to the project.

SUMMARY OF PLANNING HEARING OFFICER'S DECISION

The Planning Hearing Officer was able to make the four required findings for the conditional use permit for the billiard establishment because the proposed expansion of the use is consistent with the General Plan. The number of billiard tables will remain the same and the addition of ancillary service of beer and wine and two additional seats for each billiard table will not be detrimental to the public health, safety or environment. Adequate public and private services are available to serve the billiard establishment and will not cause an adverse impact on the surrounding neighborhood or conflict with adjacent uses.

CONDITIONS OF APPROVAL

APPROVAL of this Conditional Use Permit PCUP 1234377 (for Billiards Establishment) 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.
- 4) That a security guard shall be employed by the business from **6:00 p.m. to 12:30 a.m.** each day the business is open.
- 5) That the facilities shall not be rented, leased or otherwise occupied for purposes not specified in this application.
- 6) **That the billiards establishment shall not open to the public before 6:00 p.m. or remain open to the public after 12:00 a.m. during days of operation. The sale of beer and wine shall be prohibited one hour prior to closing.**
- 7) That the billiard establishment shall not provide more than thirty-four (34) seats. A maximum of eight seats shall be located at the food counter and two stools and one high table, measuring 42 inches high by a maximum of 24-inches x 24-inches for each of the 16 pool tables.
- 8) That the billiards establishment's management and patrons shall comply with the provisions of the City's Smoking Ordinance in Chapter 8.52 Glendale Municipal Code.

- 9) That the sixty-nine (69) on-site parking spaces shall be maintained and clearly striped according to the plans submitted with this application.
- 10) That the premises shall be maintained as 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.
- 11) That all signs displayed shall conform to the requirements of the Glendale Municipal Code.
- 12) 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.
- 13) That any proposed exterior lighting shall be directed onto the driveways, walkways and parking areas within the development and away from adjacent properties and the public right-of-way to the satisfaction of the Hearing Officer.
- 14) That all noise, lighting or other sound produced on the premises, including deliveries, shall not be audible off-site so as not to disturb persons in other occupancies/businesses or on the public right-of-way. The Hearing Officer's opinion shall prevail to arbitrate any conflicts.
- 15) That sufficient measures shall be enforced to effectively eliminate loitering, parking congestion, disturbing noise, disturbing light, loud conversation, and criminal activities.
- 16) That patrons shall not be permitted to remain in the parking area after the closure or to loiter in the parking area while business is open.
- 17) That no speaker systems shall be installed outside or in the parking area.
- 18) 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 make disturbances in the area.
- 19) That the premises be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.
- 20) That adequate means be provided for the collection of solid waste generated at the site and that all recyclable items be collected and properly disposed of to the satisfaction of the Integrated Waste Management Administrator of the City of Glendale. No trash containers shall be stored in any parking, driveway, or landscaping area, or on public property.
- 21) That no outside storage shall be allowed on the site.

- 22) 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.
- 23) 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.
- 24) That a new Zoning Use Certificate shall be immediately obtained (no fee required) to reflect the new conditional use permit approval.
- 25) That the applicant shall comply with all the conditions of Conditional Use Permit Case No. PCUP No. 1227779 (for beer and wine) as specified in the decision letter dated January 24, 2013.
- 26) 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.

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.

REVOCAION, CONTINUING JURISDICTION

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over 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 Department.

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 (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.