



CITY OF GLENDALE, CALIFORNIA
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division

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May 8, 2013

Newage Glendale, LLC
Attention: Benson Lee
411 East Huntington Drive, Suite 305
Arcadia, CA 91006

**RE: 800 NORTH CENTRAL AVENUE
CONDITIONAL USE PERMIT NO. PCUP 1304968
(Embassy Suites Hotel)**

Dear Mr. Lee:

On May 8, 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 allow the continued sales, service, and on-site consumption of alcoholic beverages at a full-service hotel within the Downtown Specific Plan (DSP) – Gateway District Zone, located at **800 North Central Avenue**, described as Portion of Lot 1 and Lots 2 – 5, H.M. Binford Tract, in the City of Glendale, County of Los Angeles.

APPLICANT'S PROPOSAL

Conditional Use Permit

- 1) To renew a Conditional Use Permit to allow on-site sales, service and consumption of alcoholic beverages at an existing full-service hotel.

CODE REQUIRES

Conditional Use Permit

- 1) Approval of a Conditional Use Permit is required for sales, service, and consumption of alcoholic beverages in the "Downtown Specific Plan (DSP) - Gateway District" zone.

ENVIRONMENTAL RECOMMENDATION: Exempt.

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:

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

The subject site is located in the Downtown Specific Plan – Gateway District Zone land use designation, which is designed to encourage appropriate land uses that extend the life of Downtown into the evenings and weekends (24-Hour Downtown). Characterized by high-rise development, the district is home to numerous corporate headquarters and businesses whose multi-storied towers are visible from the various viewpoints throughout the city and the 134 Freeway. The focus of the area is the continued promotion and location of corporate headquarters, new hotels, mixed-use and residential buildings, complementary/accessory service and retail businesses at the street level, as well as the introduction of appropriate night-time entertainment uses. Alcoholic beverage sales are conditionally permitted uses within the Gateway District zone, and therefore, consistent with the land use designations. The hotel operates 24 hours a day and provides activity in the downtown area. It encourages use by businesses, tourists and area workers. The restaurant and bar/lounge offer evening and late night hours. The sale of alcoholic beverages is in keeping with the standard operation procedures of the existing hotel use and previously granted conditional use permit. The hotel is a successful business that has served the area for 5 years, including the sale of alcoholic beverages.

The Downtown Specific Plan (DSP) identifies Central Avenue as a Primary Auto Street/Vehicular Priority Street. It is the primary vehicular connector of Downtown with the regional freeway network and other communities. Vehicular through traffic as well as truck and service delivery traffic are to be directed here. The DSP does not identify Central Avenue (north of the 134 Freeway) with pedestrian-oriented use restrictions at the ground floor. The Circulation Element identifies Burchett Street as an urban collector. Both streets are fully developed and adequately handle the existing traffic circulation around the site.

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 use and its associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment. It is not anticipated that the continued sale of alcoholic beverages at Embassy Suites will have a detrimental effect on the community. The existing hotel has operated with on-site sales, service and consumption of alcoholic beverage since 2009. The hotel has proven to be compatible with the surrounding neighborhood, and the use of the building, parking, and customer service hours will continue in the same manner. Embassy Suites is located in Census Tract 3018.01, which allows for three On-Sale establishments. The hotel is one of 12 licenses in this tract. Although the Glendale Police Department (GPD) noted that there were seven calls for service (other than 51 "911" hang-ups) from this location, only one department report was filed. The police did not state any opposition to this application.

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

The use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property. As previously mentioned, the existing

Embassy Suites Hotel has been in operation with the sale of alcoholic beverages since 2009. The applicant is not proposing any changes to the existing floor plan or operation; therefore no impact to adjacent uses is anticipated. The subject site is surrounded by existing commercial and office development. The hotel will continue to contribute to the 24-Hour Downtown uses. In addition, the Planning Division has not received any formal complaints from the nearby commercial and residential properties.

D. Adequate public and private facilities such as utilities, landscaping, parking spaces and traffic circulation measures are 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. The applicant is proposing to operate the hotel and on-site sale of alcoholic beverages in the existing manner; therefore, it is not anticipated to increase the need for public or private facilities. Adequate utilities are located adjacent to the site and no increase in utility use is anticipated as a result of the approval of the conditional use permit. The on-site parking garage provides 348 parking spaces. The continuation of on-site sale of alcoholic beverages at the Embassy Suites Hotel is not anticipated to intensify traffic circulation or parking demand. Burchett Street is an urban collector and Central Avenue is a vehicular priority street, which adequately handle the existing traffic circulation around the site. The Traffic Engineer's Section did not submit concerns related to traffic circulation and parking.

Furthermore, this request requires that additional findings of fact be made, as follows:

For applications involving the sale, serving or consumption of alcoholic beverages, the following criteria shall be 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

That where a proposed on-site use is located in a census tract with more than the recommended maximum concentration of on-site uses or that where an existing off-site use is located in a census tract with more than the recommended maximum concentration of off-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 based on the comments submitted by the City of Glendale Police Department (GPD). The Embassy Suites Hotel is in an area that is slightly over concentrated with liquor licenses. Census Tract 3018.01 allows for three On-Sale establishments and there are currently twelve On-Sale licenses. This property is one of the existing twelve. Although the GPD noted that there have been seven calls for service (other than 51 "911" hang-ups) from this location only one department report was filed, and they did not state any opposition to this application.

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

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 because conditions placed on the approval of this conditional use permit will reduce the potential for these deleterious impacts to occur. According to the Glendale Police Department, the applicant has an active Type 47 (On-Sale General Eating Place); Type 68 (Portable Bar); Type 48 (On-Sale Public Premise). The GPD noted that based on Part 1 crime statistics in this tract, there were 70 crimes in 2012, 17 percent above the city wide average of 60. Recommended conditions of approval would ensure that crime would not be intensified. The Neighborhood Services Section has no open code enforcement cases on the property.

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.

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. There are no identified sensitive land-uses (residential, day care facilities, public parks, libraries, hospitals, or hospitals) in the immediate neighborhood. The Embassy Suites Hotel is located in the Downtown Specific Plan – Gateway District Zone. The majority of the area surrounding the subject site is developed with similar or more intensive land uses as the subject project and is intended to be a high density area.

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.

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. The on-site parking garage provides 348 subterranean parking spaces with access from Burchett Street. The front of the hotel is along Burchett and provides an area for cars to drive up to the entrance for loading and waiting. Central Avenue provides easy access from Downtown and the regional freeway network with vehicular through traffic as well as truck and service delivery traffic. The on-site sale of alcoholic beverages is not anticipated to intensify traffic circulation or parking demand. Both streets are fully developed and adequately handle the existing traffic circulation around the site.

5. That, notwithstanding consideration of the criteria in subsections 1 through 4 above, the continued alcohol sales, service and on-site consumption does serve a public convenience for the area.

That, notwithstanding consideration of the criteria in subsections 1 through 4 above, the continued on-site sales does serve a public convenience for the area. It serves local

residents, businesses and hotel guests. Compatibility of land uses is important to fostering a productive and thriving community. Conditions placed on the approval of the project will ensure that it will not adversely impact nearby businesses.

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 criteria required for alcohol-related cases in Sub-Section 30.42.030(F), Glendale Municipal Code. The subject hotel has existed in this area for over four years. Offering alcoholic beverages will not require any new city services, will not harm public safety and welfare, and is not in conflict with existing or anticipated surrounding land uses. Traffic circulation measures are not anticipated to be impacted as a result of allowing alcoholic beverages at the existing bar. 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:

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. The existing Zoning Use Certificate shall be modified to reference this conditional use permit.
4. The premises shall be maintained in a clean and orderly condition, free of weeds, trash and graffiti.
5. Any expansion or modification of the facility or use shall require a new conditional 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.
6. 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 to the satisfaction of the Integrated Waste Management Administrator of the City of Glendale. Trash containers shall not be stored in any parking, driveway, or landscaping area.

7. All signs displayed shall conform to the requirements of the Glendale Municipal Code.
8. That no exterior signs advertising the sales/service of alcoholic beverages be permitted.
9. The sale and service of alcoholic beverages shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control.
10. The hotel shall adhere to the City's Fresh Air (smoking) Ordinance.
11. Access to the premises shall be made available upon request to all City of Glendale authorized staff (i.e. Community Development Department, Fire Department, Police Department, etc.) for the purpose of verifying compliance with all laws and the conditions of this approval.
12. The applicant shall comply with all Glendale Police requirements as specified in their attached memo dated March 20, 2013, except for the hours of alcoholic beverage sales shall be 6:30 a.m. to midnight.
13. The authorization granted herein shall be valid for a period of **10 YEARS, UNTIL MAY 24, 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 **May 23, 2013**, in the Building and Safety Division, 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 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.

Section 30.16.610 of the Glendale Municipal Code, 1995, provides for the Community Planning Director to have continuing jurisdiction over any Conditional Use Permit which is or has been granted and may revoke any Conditional 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 30.41 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 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,



Bradley M. Collin
Planning Hearing Officer

BC:sm

CC: City Clerk (K.Cruz); 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); and case planner Kathy Duarte.