



September 17, 2018

Aurthur Israelyan  
635 West Colorado Street #102  
Glendale, CA 91204

**RE: 4000 SAN FERNANDO ROAD  
ADMINISTRATIVE USE PERMIT NO. PAUP 1810609  
(Original Slyder House Burgers)**

Dear Mr. Israelyan:

Pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.49, the Community Development Department has processed your application for an application for an Administrative Use Permit (AUP) to allow for on-site sales, service and consumption of beer and wine at a new fast food restaurant (Original Slyder House Burgers) in the "C3" - (Commercial Service) Zone, located at **4000 San Fernando Road**, Portion of Lots 1, 2, and 3, Replat of Blocks 1 & 4 Vine Cottage Tract in the City of Glendale, in the County of Los Angeles.

CODE REQUIRES

- (1) The sales, service and on-site consumption of beer and wine requires an Administrative Use Permit in the "C3" Zone.

APPLICANT'S PROPOSAL

- (1) To allow the on-site sales, service, and consumption of beer and wine (Type 41) at a new fast food restaurant.

ENVIRONMENTAL DETERMINATION

The project is exempt from CEQA review as Class 1 "Existing Facilities" exemption pursuant to State CEQA Guidelines Section 15301 because this application is for an existing restaurant to provide on-site sales of beer and wine with meals.

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

**REQUIRED/MANDATED FINDINGS**

After thorough consideration of the statements contained in the application, the plans submitted therewith, the above analysis by Community Development Department staff, and any comments received from the public with respect to this application, this Administrative Use Permit application is approved based on the following:

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

The applicant is requesting approval of an Administrative Use Permit (AUP) to allow on-site sales, service and consumption of beer and wine for a new fast food restaurant (Original Slyder House Burgers). The zoning land use designation for the subject property is C3 (Commercial Services), and the General Plan Land Use Element designation is Commercial Services. The purpose of the C3 zone is intended to offer a full range of goods and services to the community located along commercial thoroughfares in conformance with the comprehensive general plan. The subject site is bounded by general commercial uses to the north and west (across San Fernando Road), a supermarket (Vons) to the east, and a commercial/residential mixed use development (Camden Apartments) to the south across West Los Feliz Road. The service of beer and wine in conjunction with a meal at a bona fide fast food restaurant is appropriate for subject location, as it complements the commercial activity along West Los Feliz Road and San Fernando Road. Since the administrative use permit application only involves the sales of beer and wine at a fast food restaurant, other elements of the General Plan, including the Open Space, Recreation, Housing and Noise Element, 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.**

The new fast food restaurant with on-site consumption of beer and wine will not be detrimental to the safety and public welfare of the neighborhood in general. According to the Glendale Police Department, the subject property is located in census tract 3024.01, where five on-sale establishments are recommended. The Glendale Police Department reports that there are currently eight on-sale licenses in this tract, where The Original Slyder House Burger would bring the total to nine. The ancillary sale of beer and wine for on-site consumption in conjunction with a fast food restaurant is a common service that is not typically associated with public drunkenness or other alcohol-related crimes. Based upon Part 1 crime statistics for this census tract in 2017, there were 501 crimes, 179 percent above the city wide average of 180. While this area has more crime than in many other areas of the city, it has a high concentration of retail uses, which may partially explain the higher crime rate, rather than lower density residential areas. The subject location had a few calls for service to the previous fast food restaurant, Yoshinoya, during the last calendar year until the restaurant's closure. The Police Department did not express concern regarding the applicant's request. Recommended conditions by the Police Department are incorporated in the staff recommendation to ensure there are no negative impacts to the public health, safety, general welfare, or the environment.

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

The proposed on-site sales, service and consumption of beer and wine at a new fast food restaurant will not adversely affect or conflict with adjacent uses or impede normal development of surrounding properties. The project site is surrounded by other general retail and service businesses to the west, north and east, and a six-story, mixed-use, commercial/residential development to the south across West Los Feliz Road. Approximately one block southeast of the subject location at the corner of South Central Avenue and West Los Feliz Road is the Glendale Memorial Hospital. The request complements the new fast food restaurant's operation and the surrounding uses, as it offers the surrounding uses a convenient location for on-site consumption of beer and wine in conjunction with a meal. The sale of beer and wine for on-site consumption with a

meal will remain ancillary to the business' primary commercial activity as a fast food restaurant.

**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.**

The applicant's request to serve beer and wine at the existing restaurant will not result in inadequate public or private facilities. Adequate public and private facilities such as utilities, parking and landscaping exist. Los Feliz Road and San Fernando Road are both identified as major arterials in the City's Circulation Element and these streets can adequately handle the existing traffic circulation adjacent to the site.

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

That all the criteria set forth in Section 30.49.030 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 as described above in finding B.
- 2) That such use does not or will not tend to encourage or intensify crime within the district as described above in finding B.
- 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) as described above in findings B and C.
- 4) That the proposed use satisfies its transportation or parking needs as described above in finding D.
- 5) That, notwithstanding consideration of the criteria in subsections 1 through 4 above, alcoholic beverage sales, service and on-site consumption serves a public convenience for the area. The applicant's request for the on-site sales, service and consumption of beer and wine at a new fast food restaurant serves a public convenience because it serves local residents, businesses and the surrounding community. Conditions placed on the approval of the project will ensure that it will not adversely impact business and residential uses.

**CONDITIONS OF APPROVAL**

**APPROVAL** of this Administrative Use Permit shall be subject to the following 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 shall be obtained and kept current at all times.
4. That the premises shall be operated in full accord with applicable State, County, and local laws.
5. That sufficient measures shall be enforced to effectively eliminate interior and exterior loitering, parking congestion, disturbing noise, disturbing light, loud conversation, and criminal activities.
6. 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.
7. That the premises shall be maintained as a fast food service restaurant and shall provide a menu containing an assortment of foods normally offered in such establishment. Food service shall be available at all times and in all areas of the premises during normal operating hours.
8. That only beer and wine shall be served and only in conjunction with the consumption of food.
9. That no beer and wine shall be sold to be taken from the premises by patrons for off-site consumption.
10. That no patrons of the restaurant shall be allowed to bring into the establishment any alcoholic beverage that was purchased from outside of the establishment, unless the facility has an established corkage policy allowing and regulating such.
11. That the fast food restaurant shall remain open to the public during business hours.
12. That the sales, service, or consumption of beer and wine shall be permitted only between the hours of 9:00 a.m. to 11:00 p.m. seven days a week.
13. That no exterior signs advertising the sales/service of beer and wine shall be permitted.
14. That there shall be no bar or lounge area on the premises used solely for the purpose of sales, service or consumption of beer and wine by patrons.
15. That all music, lighting, noise and odors shall be confined to the occupancy so as not to disturb occupants of other adjacent business or properties and patrons on the public right-of-way. The business shall comply with all state and local laws and ordinances concerning excessive noise and disturbing the peace, including GMC 8.36.
16. That the parking area shall be kept adequately illuminated for security purposes during all hours of darkness. No lighting shall be installed or maintained that shines or reflects onto adjacent properties.
17. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.
18. That public dancing shall be prohibited.



19. That no live entertainment is permitted without a “Live Entertainment Permit.” No karaoke, no bikini activities or events, no lingerie activities or events, no swimwear activities or events, nor any similar activities or events where partial clothing of male or female entertainment is provided.
20. That access to the premises shall be made available to all City of Glendale Planning and Neighborhood Services Divisions, Police Department, and Fire Department staff upon request for the purpose of verifying compliance with all laws and conditions of this approval.
21. That the fast food restaurant adheres to the City’s Fresh Air (smoking) Ordinance, Title 15, Chapter 8.52 of the Glendale Municipal Code.
22. That any expansion or modification of the facility or use which intensifies this Administrative Use Permit (AUP) shall require a new Administrative Use Permit. Expansion shall constitute adding floor area, changes to the use or operation, or any physical changes as determined by the Planning Hearing Officer with concurrence from the Director of Community Development.
23. That a Business Registration Certificate shall be applied for and issued for a full service restaurant with sales, service, and consumption of alcoholic beverages, subject to the findings and conditions outlined in this decision letter.
24. That authorization granted herein shall be valid for a period of **TEN (10) YEARS UNTIL SEPTEMBER 17, 2028.**

#### **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 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.

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 October 2, 2018**, at the Permit Services Center, 633 East Broadway, Room 101, Monday through Friday 7:00 a.m. to 12:00 p.m., or at Community Development Division, 633 East Broadway, Room 103, Monday through Friday 12:00 p.m. to 5:00 p.m.

### **GMC Chapter 30.41 provides for**

#### **Termination**

Every right or privilege authorized by an Administrative Exception 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.

#### **Cessation**

An Administrative Exception may be terminated by the review authority upon any interruption or cessation of the use permitted by the Administrative Exception for one year or more in the continuous exercise in good faith of such right and privilege.

#### **Extension**

Permits granted by such right or privilege 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 exception.

**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 sold, 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**

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over variances, conditional use permits and administrative exceptions. To consider the revocation, the Director of Community Development shall hold a public hearing after giving notice by the same procedure as for consideration of an Administrative Use Permit at least 10 days' notice by mail to the applicant or permittee.

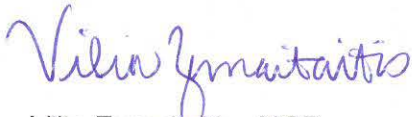
**NOTICE – subsequent contacts with this office**

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the case planner. This would include clarification, 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.

Should you have any questions regarding this issue, please do not hesitate to contact the case planner, Dennis Joe, at (818) 937-8157 or [djoe@glendaleca.gov](mailto:djoe@glendaleca.gov)

Sincerely,

Philip Lanzafame  
Director of Community Development



Vilia Zemaitaitis, AICP  
Planning Hearing Officer

VZ:DJ:sm

CC: City Clerk (K.Cruz); Police Dept. (A.Jenks/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(J.Halpert); Traffic & Transportation Section (Larry Tan/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 (Rene Sada); 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 – Dennis Joe, Planner