



CITY OF BURBANK
COMMUNITY DEVELOPMENT DEPARTMENT

150 North Third Street, P.O. Box 6459, Burbank, California 91510-6459
www.ci.burbank.ca.us

June 8, 2020

MASON NG
GANGI ARCHITECTS
229 E. PALM AVE.
BURBANK CA 91502

RE: PROJECT NO. 18-0002799 (ADMINISTRATIVE USE PERMIT) – APPROVED
312 N. San Fernando Blvd.

Dear Mr. Ng:

This letter is to notify you that the Community Development Director has approved your application for an Administrative Use Permit Project No.18-0002799 for the implementation of a new sit-down restaurant at an existing 875 square foot tenant space. The property is located at 312 N. San Fernando Blvd. in the Burbank Center Commercial Retail-Professional (BCC-1) land use district. Enclosed is the Administrative Use Permit approval with conditions.

Please be advised that the decision of the Community Development Director will become final fifteen (15) days from the date of this letter, unless the decision is appealed to the Planning Board within 15 days. Any appeal of the Director's decision must be submitted to the Planning Division with the applicable filing fee prior to the expiration of the fifteen (15) day appeal period, or 5:00 p.m. on June 23, 2020.

Sincerely,



MACIEL MEDINA,

COMMUNITY DEVELOPMENT DEPARTMENT
MACIEL MEDINA
Associate Planner

ADMINISTRATION	❖	BUILDING	❖	HOUSING, ECONOMIC DEVELOPMENT & SUCCESSOR AGENCY	❖	PLANNING	❖	SECTION 8 & CDBG	❖	TRANSPORTATION
818.238.5176		818.238.5220		818.238.5180		818.238.5250		818.238.5160		818.238.5270

Community Development Department Director's Decision

DATE: June 8, 2020

PROJECT TITLE: Project No. 18-0002799 – Administrative Use Permit

PROJECT ADDRESS: 312 N. San Fernando Blvd.

APPLICANT: Mason Ng (Gangi Architects)

PROJECT DESCRIPTION: A new sit-down restaurant at an existing 875 sq. ft. space located in the Central Business District Downtown Parking Area (The District). The proposed restaurant will be located in a tenant space that is behind the existing Guisados restaurant which faces N. San Fernando Blvd. The primary entrance of the proposed restaurant is located off of the alley that is in between E. Magnolia Blvd. and Palm Ave. There are no other access points to the inside of the restaurant besides the one abutting the alley. The restaurant will provide seating and will have delivery and take-out service.

ZONING: BCC-1 **GENERAL PLAN:** Downtown Commercial

MUNICIPAL CODE CONFORMANCE: The project conforms to all Code requirements.

The applicant is proposing to implement a new sit-down restaurant in a space that has been vacant. Section 10-1-502 of the Burbank Municipal Code states that a restaurant is an allowed use in the downtown with an approval of an Administrative Use Permit. Furthermore, Municipal Code Section 10-1-1407.1, states that any legally permitted use or conditionally permitted use that is allowed within the Central Business District Downtown Parking Area (The District) shall be determined to have adequate parking and deemed to meet all legally required parking space requirements as long as the square footage of the structure or building located on the property does not increase. This Section goes on to further state that any tenant space that has not been previously occupied by a restaurant is required to go through an AUP and the findings must be met determining that the proposed restaurant use will not have an impact on the surrounding area.

ENVIRONMENTAL REVIEW: Categorically exempt under California Environmental Quality Act (CEQA) Guidelines Section 15301(a) for interior and exterior alterations to existing structures.

DATE PUBLIC NOTICE MAILED: February 28, 2020

DIRECTOR'S DECISION: Conditional approval, based upon the findings stated below

DATE OF DIRECTOR'S DECISION: June 8, 2020

END OF APPEAL PERIOD: June 23, 2020

REQUEST FOR PUBLIC HEARING: No public hearing has been requested as of June 8, 2020

Maciel Medina, Associate Planner
Planning Division (818) 238-5250

Patrick Prescott FOR
Patrick Prescott, Community Development Director

ADMINISTRATIVE USE PERMIT NO. 18-0002799
312 N. San Fernando Blvd. – Gangi Architects (Mason Ng), Applicant

REQUIREMENTS FOR GRANTING AN ADMINISTRATIVE USE PERMIT

The Community Development Director finds that the proposed project satisfies the requisite findings contained in Burbank Municipal Code Section 10-1-1956 necessary for approval of the Administrative Use Permit, subject to the attached conditions of approval.

- (1) *The use applied for at the location set forth in the application is properly one for which an administrative use permit is authorized by this Code.*

The Burbank Municipal code allows a new restaurant use in the BCC-1 Burbank Center Commercial Retail-Professional Zone (BMC Section 10-1-1407.1) with the approval of an Administrative Use Permit.

- (2) *The use is not detrimental to existing uses or to uses specifically permitted in the zone in which the proposed use is to be located.*

The proposed restaurant operates similarly to other existing permitted commercial and restaurant uses currently operating in the Downtown “District” area. The proposed restaurant would be similar to other sit-down restaurants in the vicinity and will not create noise or traffic impacts above what would be expected from restaurants in a downtown setting. Detrimental parking impacts are not expected, as the property is located within the Central Business District Downtown Parking Area the “District”. The “District” was established as a unified business center with shared parking and multiple destinations rather than individual self-parked properties, as described in BMC Section 10-1-1407.1(B). The restaurant will be compatible with the existing restaurants that are located throughout the “District”.

- (3) *The use will be compatible with other uses on the same lot, and in the general area in which the use is proposed to be located.*

The purpose of the BCC-1 zone is to provide opportunities for commercial and retail uses geared towards a downtown village concept. The proposed restaurant is expected to draw pedestrians already in the area and provides a use and amenity that is appropriate for the area. The proposed restaurant use will be compatible with the surrounding retail, restaurant and commercial uses in the vicinity, which are encouraged to occupy the area.

- (4) *The site for the proposed use is adequate in size and shape to accommodate the use and all of the yards, setbacks, walls, fences, landscaping, and other features required to adjust the use to the existing or future uses permitted in the neighborhood.*

The proposed restaurant will be located in an existing space and there will be no changes to the square footage, setbacks, or other features of the building.

- (5) *The site for the proposed use relates to streets and highways properly designed and improved to carry the type and quantity of traffic generated or to be generated by the proposed use.*

The subject property is served by North San Fernando Blvd, a major arterial street. The quantity and type of traffic generated by the subject use is similar to that generated by the surrounding businesses. Parking for the proposed restaurant is provided by the shared downtown parking structures. The proposed restaurant is also close to the Interstate 5 freeway as well as many regional and local bus routes and rail services. Taking all of the transportation methods into consideration, it has been determined that the site is served by streets and highways properly designed and improved to carry the type and quantity of traffic to be generated by the proposed use

- (6) *The conditions imposed are necessary to protect the public health, convenience, safety, and welfare.*

The attached conditions of approval will mitigate any potential impacts on the community that might result from the subject use. Special provisions related to outdoor music, speakers and hours of operation have been set in place to ensure that the proposed restaurant operates to a similar manner as the existing restaurants and commercial uses in the area.

Section 10-1-1407.1 requires that the following findings be made for any new restaurants in the Central Business District Downtown Parking Area "District".

- (7) The restaurant is of a type which will complement the other uses in the District and will not burden the shared parking concept. It shall identify itself into one of the ITE trip and parking generation categories (eg. Quality restaurant, Family, High turnover sit down, or fast food), and provide evidence that demands and impacts on the District which are generated from the restaurant are fully mitigated.

Under the various ITE classifications, the proposed restaurant would operate as a High Turnover Sit Down Restaurant. The patrons for these types of restaurants typically stay for about an hour and are served generally during the lunch and dinner hours. The high-turnover nature of restaurant will ensure that the demand for parking in the area is not negatively impacted. This type of restaurant would be utilized by persons who work in the area or are visiting the downtown for other amenities and services and is not a destination use. The parking demand for this use would be an incidental impact to the parking provided on-site.

- (8) The location of the restaurant is not one which leads to the over concentration of certain types of restaurants (as defined in (a) by ITE). The location shall not create an undue amount of any one type of restaurant in any area of the District.

The majority of the restaurants in the vicinity are located off of San Fernando Blvd., and Palm Ave. The proposed location of the restaurant is off of an alley this is situated between E. Magnolia Blvd. and Palm Ave. There are no restaurants of this type located immediately within

the alley. Because this would be the first restaurant at this location, there will not be an overconcentration.

- (9) (if applicable) the restaurant intends to provide alcohol incidental to food service, and shall provide a floor plan of the tables and bar area, as well as an annual certification of the receipts of alcohol and the receipts of food to evidence compliance with the code.

The Administrative Use Permit application submitted by the applicant does not include alcohol sales incidental to the food service.

- (10) The restaurant type (as defined in (a) above) economically stimulates the downtown area by providing quality tenant improvements.

Currently the tenant space is vacant and has been vacant for a period of time and there are no business licenses linked to the use of this space. Implementing a restaurant use at this location will require that improvements are made to the exterior and interior of the building tenant space. The current façade and interior of the tenant space is unimproved and is dilapidated. These improvements will make the building more aesthetically pleasing and will activate and create a space where patrons can dine. This area is currently underutilized since the majority of the businesses are accessed from San Fernando Blvd. The only other business that offers services to patrons from this side of the building is Urban Press Wines (316 N. San Fernando Blvd.) which is next door to the proposed location. The main entrance to Urban Press Wines is also from San Fernando Blvd. but there is an outdoor seating area that serves Urban Press that abuts the proposed tenant space. With the addition of the restaurant, the deck area of Urban Press Wines will coincide with the proposed restaurant, activating this area and providing a space and amenity that would otherwise not be utilized by patrons, creating economic stimulus.

CONDITIONS OF APPROVAL

ADMINISTRATIVE USE PERMIT NO. 18-0002799 312 N. San Fernando Blvd. – Gangi Architects, Applicant

PLANNING

1. Project No. 18-0002799, Administrative Use Permit, approves the implementation of a new sit-down restaurant in an existing building. The property is located at 312 N. San Fernando Blvd.
2. The operation/construction on the site shall remain in substantial conformance with the request and with the application materials submitted by the applicant and placed on file in the office of the Planning Division.
3. The applicant shall comply with all federal, state, and local laws. Violation or conviction of any of those laws in connection with the use will be cause for revocation of this permit.
4. The applicant shall list these conditions of approval on the title or specifications page of all plans submitted to the Building Division.
5. By signing and/or using this Administrative Use Permit, the permittee acknowledges all of the conditions imposed and accepts this permit subject to those conditions and with full awareness of the provisions of the Burbank Municipal Code. Failure of the permittee or property owners to sign these conditions does not affect their enforceability by the City of other responsible entity. These conditions are binding upon all future property owners and occupants of the subject property.
6. This permit/approval shall automatically expire 12 months after the approval date (expires on March 13, 2021 unless Developer has diligently developed the proposed project, as shown by the issuance of a grading, foundation, or building permit and the construction of substantial improvements.
7. Prior to final sign-off of applicable building permits, the applicant shall resolve any non-code compliant existing conditions that need to be rectified prior to permit issuance per the satisfaction of the Building Division.
8. Prior to final sign-off of applicable building permits, the restaurant owner shall register the business with the License and Code Division.
9. The business shall be operated in such fashion that no odor or exhaust produced by the business is readily detectable by occupants of adjacent properties, residents, and/or pedestrians in the area.
10. Signs require separate application and building permit approval(s) from the Building Division and Planning Division prior to installation.

11. Any outdoor speakers for the purposes of exhibiting music or calling out orders is prohibited.
12. Hours of operation are prohibited between the hours of Midnight and 6:00 a.m.
13. All exterior lighting must be directed away from the view of drivers on public streets and away from the adjacent residential properties. All exterior lighting shall be designed to eliminate glare onto adjacent properties and/or public rights-of-way.
14. If excessive calls for police service occur for three or more consecutive months, the business may be considered a public nuisance and such calls may be used as grounds for revocation of this Administrative Use Permit. Excessive calls for service shall be defined as more than three bona fide calls for police assistance in any calendar month.
15. The subject property and surrounding area must be maintained free of trash, litter, and debris at all times.
16. No deliveries, pick-up or private trash bin collection or other such operational activities occurring on the exterior of the building shall be conducted outside of the hours between 7:00 a.m. and 10:00 p.m. seven days per week.
17. Any noise resulting from the operation of the business shall be kept at a level so as not to cause any disturbances or nuisances which would be detrimental to other properties, commercial or residential, in the area or to the welfare of the occupants thereof.
18. This Administrative Use Permit is subject to all comments/conditions from the following City Departments/Divisions and incorporated herein by reference:

PUBLIC WORKS DEPARTMENT

19. No building appurtenances for utility or fire service connections shall encroach or project into public right-of-way (i.e. streets and alleys). Locations of these appurtenances shall be shown on the building site plan and the off-site improvement plans [BMC 7-3-701.1, BMC 9-1-1-3203].
20. Applicant shall protect in place all survey monuments (City, County, State, Federal, and private). Pursuant to California Business and Professions Code Section 8771, when monuments exist that may be affected by the work, the monuments shall be located and referenced by or under the direction of a licensed land surveyor or licensed civil engineer legally authorized to practice land surveying, prior to construction, and a corner record or record of survey of the references shall be filed with the county surveyor. A permanent monument shall be reset or a witness monument or monuments set to perpetuate the location if any monument that could be affected, and a corner record or record of survey shall be filed with the county surveyor prior to the recording of a certificate of completion for the project.

21. Any work within the public right-of-way must be permitted and approved by the Public Works Department before construction can commence. All construction work in the public right-of-way must comply with Burbank Standard Plans and must be constructed to the satisfaction of the City Engineer. A Public Works EXCAVATION PERMIT is required. The excavation permit requires a deposit acceptable to the Public Works Director to guarantee timely construction of all off-site improvements. Burbank Standard Plans can be accessed at; <http://file.burbankca.gov/publicworks/OnlineCounter/main/index.htm>
22. An address form must be processed [BMC 7-3-907]
23. If any utility cuts or construction related impacts are made along San Fernando or along Magnolia Boulevard adjacent to the property, applicant will have to reconstruct fill width PCC panels per City of Burbank Standards.
24. If any utility cuts are made on Palm Avenue adjacent to the property, applicant will have to restore the street fronting the property per City of Burbank paving requirements.
25. Additional impacts to street triggered by this project could extend the paving restoration limits.
26. The location, depth, and dimensions of all sanitary sewer lines and easements must be shown on the plans.
27. An industrial Waste Discharge Permit will be required [BMC 8-1-502 and BMC 8-1-503].
28. Every building or structure in which plumbing fixtures are installed which conveys sewage must be connected to the municipal wastewater system [BMC 8-1-104].
29. No person shall connect to or tap an existing public sewer without obtaining a permit [BMC 8-1-301].
30. Food Service Establishments are required to install, operate, and maintain an approved type and adequately sized, remotely located and readily accessible grease interceptor, unless a conditional waiver is granted by the Director. This project, due to the inclusion of a restaurant, will require a grease interceptor to trap, separate and hold grease from waste water and prevent from being discharge into the public sewer per the requirements above.
31. A backwater valve is required on every private sewer lateral(s) connected to a private building(s), unless it can be shown that all fixtures contained therein have flood level rim elevations above the elevation of the next upstream maintenance hole cover of the public sewer serving the property, or a conditional waiver is granted by the Director [BMC 8-1-313]. Please note that Public Works' Wastewater Division will not sign off on Certificate of Occupancy until the owner/developer provides proof that the backwater valve(s) has been installed.

32. Per BMC 9-3-407, Best Management Practices shall apply to all construction projects and shall be required from the time of land clearing, demolition or commencement of construction until receipt of a certificate of occupancy.
33. Discharges from essential non-emergency firefighting activities (i.e., fire sprinkler system testing) is a conditionally allowed non-storm water discharge into the storm drain system , provided appropriate Best Management Practices (BMPs) are implemented. Please see the attached Fire Suppression Systems discharge form and follow the requirements to comply when conducting the conditionally allowed non-storm water discharge.
34. If greater than four cubic yards of solid waste is generated per week at the location, a waste and recycling plan shall be created for this development and this shall comply with AB 341 requirements.
35. There shall be a designated location on the property for all solid waste containers and/or bins. Containers are not to be visible from the street.
36. Recycling must be provided for all residents/businesses.
37. Businesses must use appropriately sized trash and recycle bins, not individual carts.
38. This type of business typically generates large volumes of cardboard and perhaps scrap-metal. There should be room for growth in the solid waste bin storage area, to account for source recycling bins.
39. There must be access for a hauler to service the proposed solid waste bin area.
40. Any outdoor seating area must the appropriate City permits.
41. On the environmental Information sheet, the applicant checked "NO" on line 8. By checking this, the applicant stipulates that the project, or the effects of the project, will not produce significant amounts of solid waste or litter. The building will be under state mandated recycling per AB 341. The applicant should show how this is possible by submitting a Solid Waste Management Plan with a comprehensive recycling element. A detail of the bin storage area should be included with means of ingress egress and location of solid waste recycling bins.

FIRE DEPARTMENT

42. Building Type Construction as defined by the California Building Code shall be shown.
43. The square footage of the building shall be shown

BURBANK WATER AND POWER

44. There is an existing 800 amp 120/208V underground pull section and (3) 200 amp self-contained meter sections servicing 312, 314, and 316 N. San Fernando. The cable feed from the existing padmount transformer #P-11513 on pad #P-1133 to the existing underground pull section is only 400 amps. To subdivide 312. N. San Fernando into two units to facilitate the new restaurant will require the applicant to meet the following conditions: 1) obtain a new address assignment from Public Works, 2) install another set of (4) 600 MCM copper underground conductors in the spare 4" conduit from the transformer to the underground pull section, 3) install an additional switchgear section to include another 200 amp self-contained meter, and 4) get pre-approved from the Building Division to install another meter section in the tight spaced electrical meter room. The applicant will also be required to have their switchgear manufacturer send EUSERC drawings to BWP for review/approval prior to ordering and to pay BWP a deposit to facilitate a future outage to land the new secondary cables and install a new metering.
45. The proposed new restaurants approval will also be contingent upon the submittal of a single line diagram and a load schedule showing that the proposed new 200 amp 120/208V service will be sufficient. Any requested upgrade above the new 200 amps service or pre-approval rejection by the Building Division may cause an upgrade of the existing electrical infrastructure.
46. Prior to final plan approval, the applicant should contact the BWP Commercial Electrical Service Planner at 818-238-3565 to provide confirmation of electric service and to go over all of the requirements.

BUILDING AND SAFETY

47. All projects shall comply with Title 9, Chapter 1, of the Burbank Municipal Code, and the latest edition of the California Building Code, California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards and Building Energy Efficiency Standards.
48. Business Tax should be updated to reflect change in business type.
49. The property shall comply with accessibility requirements for the various occupancies as stated in California Building Code Chapter 11. Accessibility regulations apply to all common areas and pools and spas.
50. Construction projects must comply with Best Management Practices for construction and stormwater runoff requirements of the National Pollutant Discharge Elimination System MS4 Permit.
51. The City's mandatory Construction & Demolition Debris Diversion Ordinance requires the recycling and diversion of at least 65% of construction and demolition debris. A refundable deposit and non-refundable administrative fee will be collected prior to permit issuance. The

Ordinance applies to all demolitions and to new construction, additions, remodels, renovation, tenant improvement and alteration projects over 500 square feet in scope of work.

52. Approved hours of construction are:

Monday-Friday 7:00 am to 7:00 pm
Saturday 8:00 am to 5:00 pm

No construction is permitted by contractors or subcontractors after hours, on Sunday or on City holidays without prior written request and approval from the Community Development Department

53. Deferral of any submittal items shall have prior approval of building official. The registered design professional in responsible charge shall list the deferred submittals on construction documents for review.
54. Plans and reports submitted for Plan Check may be submitted electronically. For more information about the online submittal process, please contact Senior Plan Check Engineer Mario Osuna in Building Division at 818-238-5241
55. Development Impact Fees are assessed by the City for construction of new commercial square forage as listed in the Burbank Fee Schedule and Title 10, Article 22, of the Burbank Municipal Code.
56. All conditions of approval are to be reproduced on the construction document drawings as part of the Approved Construction Set.
57. All Departments that have provided Conditions of Approval are to receive a set of drawings for review and have provided final approval stamp on drawings, prior to issuance of Building Permit.
58. Seven (7) sets of drawings shall be provided at the time of Plan Check Review. The following lists the necessary sheets per department:
- a. Planning – Full set of Plans (C/L/A/S/M/P/E)
 - b. Building & Safety – Full set of Plans (C/L/A/S/M/P/E)
 - c. Public Works – Partial set of Plans (C/L/A/M/P/E)
 - d. Parks & Recreation – Partial set of Plans (C/L)
 - e. Burbank Water & Power Department – Partial set of Plans (C/L/A/M/P/E)
 - f. Burbank Police Department – Partial set of Plans (C/A)
 - g. Burbank Fire Department – Partial set of Plans (A/S)
 - C – Civil
 - L – Landscape
 - A – Architectural

- S – Structural
- M – Mechanical
- P – Plumbing
- E – Electrical

X _____
Signature of Applicant/Permittee

X _____
Signature of Property Owner