



CITY OF GLENDALE, CALIFORNIA
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division

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March 12, 2013

Christopher McReynolds
2396 Pickens Canyon Road
La Crescenta, CA 91214

**RE: 3463 FOOTHILL BOULEVARD
CONDITIONAL USE PERMIT NO. PCUP 1236613 - Beer and Wine
(Straw Hat Pizza Restaurant)**

(SEE: PCUP1236624 – Arcade Establishment)

Dear Mr. McReynolds:

On February 13, 2013, the Planning Hearing Officer conducted and closed a public hearing, pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.42.030, on your application for a Conditional Use Permit to allow the on-site sales, service and consumption of beer and wine with meals, at a new full-service restaurant (Straw Hat Pizza Restaurant) located at **3463 Foothill Boulevard**, in the "CH" – Commercial Hillside Zone, described as Portion of Lot 1, Block K of Crescenta Canada Tract, in the City of Glendale, County of Los Angeles.

APPLICANT'S PROPOSAL

Conditional Use Permit

- (1) On-site sales, service and consumption of beer and wine at a new full-service restaurant (Straw Hat Pizza Restaurant).

CODE REQUIRES

Conditional Use Permit

- (1) On-site sales, service and consumption of beer and wine requires a Conditional Use Permit in the "CH" Zone.

ENVIRONMENTAL RECOMMENDATION: The 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 findings:



A. The proposed use of on-site sales, service and consumption of alcoholic beverages will be consistent with the various elements and objectives of the General Plan.

The proposed full-service restaurant with the sale of beer and wine is consistent with the various elements and objectives of the General Plan, including the North Glendale Community Plan. General Plan elements provide citywide policy direction, with the local Community Plans providing specific neighborhood policies, descriptions and design guidelines. The Land Use Element encourages flexibility in the range and type of services provided in commercial areas, including alcohol sales with food. It classifies the subject site as a "CH" - Commercial Hillside Zone which allows beer and wine sales at a full-service restaurant subject to approval of a conditional use permit. The proposed full-service pizza restaurant with the sale of beer and wine is an encouraged use in the North Glendale Community Plan and serves a public convenience. Additionally, the restaurant improvements uphold the North Glendale Community Plan economic development policy to create and enhance vibrant commercial areas.

No new floor area is proposed nor are changes proposed to the number of parking spaces or parking lot design. Sufficient access to the restaurant property is provided from both Foothill Boulevard to the south and Fredrick Street to the east as noted in the Circulation Element. It is not anticipated that there will be increased parking and traffic circulation impacts as a result of beer and wine being served since they will be ancillary services to the food service. Potential noise that may be generated by the restaurant would be regulated by the City Noise Ordinance, which implements the goals of the Noise Element, and conditions of approval. The Police Department and the Neighborhood Services Section do not have any code enforcement cases for noise and nuisance impacts against this property. Standard conditions restricting noise and nuisance issues will be added to further guarantee these issues will be regulated in the future. A restaurant use with alcohol sales has operated successfully at this property since 1963, consistent with the General Plan.

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.

Two previous pizza restaurants with beer and wine sales with meal service operated successfully without incident at this property from 1963 until 2006. The current conditional use permit application seeks to continue this type of service. The proposed restaurant is located in census tract 3003.01 where there are two on-sale establishments where five are the maximum recommended. Part 1 crimes (felony-related) are only eight percent above the city average and no Part 1 crimes were associated with this property during the calendar year 2011. The Police Department and the Neighborhood Services Section do not have any open code enforcement cases on the property.

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

The proposed Straw Hat Pizza Restaurant will be located in an existing building

previously occupied by restaurant uses, including two pizza restaurants from 1963 to 2006. Beer and wine sales at a full-service restaurant typically do not lead to detrimental impacts to the public health or safety and the general welfare. The applicant stated that the restaurant primarily serves families in the surrounding community and that beer and wine sales are an ancillary service to the meals. The Police Department and Neighborhood Services do not have any code enforcement cases for this property. No concerns were received from other City Departments that would indicate that beer and wine served with meals 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.

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.

No floor area addition, reductions in the number of parking spaces or changes to parking lot design are proposed. Foothill Boulevard and Fredrick Street have sufficient capacity to accommodate the restaurant's traffic circulation. The ability to sell, serve and consume beer and wine will remain an ancillary use to the service of meals and it is not anticipated to increase the need for public or private facilities at this business. The site and surrounding neighborhood are developed with adequate public and private facilities and infrastructure.

Furthermore, for applications involving the sales, serving or consumption of alcoholic beverages, the following criteria shall be considered in making the findings in subsection A. through D. above:

1. That where a proposed full-service restaurant use is located in a census tract with less than the maximum concentration of on-site uses, as reported by the Glendale Police Department, such a use will not intensify or otherwise contribute to the adverse impacts on the surrounding area because the sale, service and consumption of beer and wine will be an ancillary use to food service and, as conditioned, it is not anticipated to intensify or create adverse impacts. This is considered above in paragraph B of the findings.
2. That where the proposed full-service restaurant is located in a crime reporting district with a crime rate which is only eight percent above the city average for Part I crimes, as reported by the Glendale Police Department, such use will not encourage or intensify crime within the district. This is considered above in paragraph B of the findings. Standard conditions placed on the approval of this conditional use permit will reduce the potential for deleterious impacts to occur. Furthermore, the Police Department has not received any Part 1 crime (felony-related) calls for service at this site during the year 2011 and the Neighborhood Services Division has no open noise and nuisance code violations either.

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. The new restaurant will be located on a commercial property where two different pizza restaurants with alcohol sales have operated at separate times from 1963 to 2006. The sales, service and consumption of beer and wine at the new restaurant will not adversely impact sensitive land uses because conditions of approval and the Planning Hearing Officer's continuing jurisdiction over this case will ensure compliance with City codes, ordinances and regulations. This is considered above in C. of the findings.
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. This is considered above in paragraph D of the findings. The plans submitted with this application show the site at the corner of Foothill Boulevard and Fredrick Street with 36 parking spaces and driveways leading to each street. Both streets have sufficient capacity to accommodate the restaurant's traffic circulation.
5. That, notwithstanding consideration of the criteria in subsections 1 through 4 above, the proposed beer and wine sales, service and on-site consumption use does serve a public necessity for the area, as considered above in paragraph A. The ancillary service of beer and wine with meals will serve a public necessity because it is part of a food service use in an area of the City that does not contain an over concentration of alcohol services and full-service pizza restaurants. Conditions placed on the approval of the project will ensure that it will not adversely impact nearby businesses and residential uses.

SUMMARY OF PLANNING HEARING OFFICER'S DECISION

The Planning Hearing Officer was able to make all four required findings in favor of the application for a full-service restaurant with the on-site sale of beer and wine and was able to justify approval of the case on the five required criteria required for alcohol-related cases in subsection 30.42.030(F), Glendale Municipal Code. 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 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 and 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. A Zoning Use Certificate shall be immediately obtained (no fee required) to reflect the new conditional use permit (CUP) approval.

3. That the premises shall be operated in full accord with applicable State, County, and local laws.
4. That no separate bar shall be installed on the premises.
5. That beer and wine shall be the only alcoholic beverages served and they shall be served only in conjunction with the consumption of meals and shall be consumed on the premises only. There shall be less than fifty (50) percent of gross revenues from the sale of beer and wine.
6. That no exterior signs advertising the sales/service of beer and wine shall be permitted.
7. 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.
8. That at all times when the premises is open for business, the service of any beer and wine shall be made only in the areas designated with an ABC license. Consumption of beer and wine will only be allowed in those licensed areas.
9. That the sales, service or consumption of beer and wine shall be permitted only between the hours of **10:00 a.m. to 12:00 a.m. each day of the week.**
10. That the premise shall remain open to the public during business hours as a full-service restaurant as defined in Chapter 30.70 of the Glendale Municipal Code (G.M.C).
11. That no patron will be allowed to bring into the restaurant or maintain in the restaurant any beer and wine unless that beer and wine was purchased within that same establishment or unless the facility has an established corkage policy.
12. That no live entertainment shall be allowed.
13. That all music, lighting, noise and odors shall be confined to the occupancy so as not to disturb occupants of other adjacent businesses or properties and patrons on the public right-of-way.
14. 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, changes to the use or operation, or any physical change as determined by the Planning Hearing Officer.
15. That the facilities shall not be rented, leased or otherwise occupied for purposes not specified.
16. That the proposed full-service restaurant adheres to the City's Fresh Air (smoking) Ordinance.
17. That no outdoor storage shall be allowed on the site.

18. That the kitchen door facing the residential zone shall remain closed except only as necessary for the kitchen's operation such as during deliveries of goods and taking out the trash and recyclable items to the trash enclosure.
19. That access to the premises shall be made available to all City of Glendale Planning and 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.
20. That the applicant shall comply with all the conditions of Conditional Use Permit Case No. PCUP No. 1236624 as specified in the decision letter dated March 12, 2013.
21. That the authorization granted herein shall be valid for a period of **seven years, until MARCH 30, 2020**, at which time, a reapplication must be made.

APPEAL PERIOD, TIME LIMITS, LAPSE OF PRIVILEGES, TIME EXTENSIONS

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 March 27, 2013**, in the Building and Safety Division, 633 East Broadway, Room 101.

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.

CESSATION: A Conditional Use Permit may be terminated by the review authority upon any interruption or cessation of the use permitted by the Conditional Use Permit for one year or more in the continuous exercise in good faith of such right and privilege.

EXTENSION: Conditional Use Permits. 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 such conditional use permit.

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 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, CONTINUING JURISDICTION

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

NOTICE – subsequent contacts with this office

The applicant is further advised that all subsequent contacts with this office regarding this determination must be with the Case Planner first and then, the Planning Hearing Officer who acted on this case. 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.

Sincerely,



Kristen Asp
Planning Hearing Officer

KA:sm

CC: City Clerk (K.Cortes); Police Dept. (Tim Feeley); City Attorney's Dept. (G. van Muyden/M.Yun); Fire Prevention Engineering Section-(D.Nickles); City Engineer and Traffic & Transportation Section (Roubik Golanian); 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); M. Klein; J.Maluccio-Crescenta Valley chamber of commerce and North Glendale Community Plan Advisory; S. Mason; and case planner – Christopher Baxter.