



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 1236624 – Arcade Establishment
(Straw Hat Pizza Restaurant)**

(SEE: PCUP 1236624 – Beer and Wine)

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 a maximum of 12 arcade devices for children 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) A maximum of 12 arcade devices for children's entertainment while dining with their families at the full-service pizza restaurant.

CODE REQUIRES

Conditional Use Permit

- (1) Arcade establishment containing five (5) or more arcade devices 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. That the proposed use will be consistent with the various elements and objectives of the General Plan.

The proposed arcade devices within a full-service restaurant are 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. Arcade devices for children at a full-service pizza restaurant (Straw Hat Pizza Restaurant) would be consistent with the City's General Plan because this type of recreation use is allowed with approval of a conditional use permit by the Land Use Element. The Land Use Element encourages flexibility in the range and type of services provided in commercial areas, including recreation. Zoning, implementing the General Plan, classifies the subject site as a "CH" - Commercial Hillside Zone which allows arcade devices subject to approval of a conditional use permit. Given that this conditional use permit application only requests arcade devices for children at a full-service pizza restaurant other elements of the General Plan will not be further impacted.

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.

Arcade devices were previously granted by conditional use permits for the previous pizza restaurant, Shakey's Pizza Restaurant, without incident from 1982 until 2006. The City's records indicate that the restaurant operated in good standing with the community until it closed. The current conditional use permit application seeks to continue similar food service with arcade devices as entertainment for children while the family dines together. The arcade devices are meant to be solely an ancillary use to the overall dining experience. The City's License Investigator stated that an Arcade Device License and/or an Amusement Machine License are required if more than five arcade machines for children will be provided. Obtaining licenses, as needed, will allow the City to monitor the arcade devices which will minimize any potential detrimental effects upon the community. A standard condition is added requiring that City permits and licenses be obtained. The Planning Hearing Officer also has continuing jurisdiction over these cases and could rescind their approvals if violations of conditions and ordinances warrant it.

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 Straw Hat Pizza Restaurant will be located in an existing building previously occupied by restaurant uses, including two pizza restaurants from 1963 to 2006. Arcade devices for children at a full-service restaurant use are not detrimental to the public health or safety and the general welfare because the restaurant primarily serves families in the surrounding community and that arcade devices are for children as an ancillary service to meals. The Police Department and Neighborhood Services did not cite concerns regarding the proposed arcade devices and they did not have

any code enforcement cases for this property during the year 2011. No negative comments were received from other City Departments that would indicate that arcade devices 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 provided for the proposed use.

Currently the applicant is requesting to allow a maximum of 12 arcade devices to be located in an existing building previously used for restaurant purposes, including pizza restaurants. No floor area addition is proposed for the new restaurant use that would require additional public and private facilities. The site contains 36 parking spaces and driveways leading to each street. Both streets have sufficient capacity to accommodate the restaurant's traffic circulation. The ability to provide arcade devices to children will remain an ancillary use to the service of meals and is not anticipated to increase the need for public or private facilities at this business location. The site and surrounding neighborhood are developed with adequate public and private facilities and infrastructure.

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 an arcade establishment at a full-service pizza restaurant. 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 shall be obtained and kept current at all times. A Zoning Use Certificate (ZUC) 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 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).
5. That arcade devices shall be played only in conjunction with the consumption of meals. There shall be less than fifty (50) percent of gross revenues from the play of arcade devices.
6. That no live entertainment shall be allowed.
7. 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. The Planning Hearing Officer's opinion shall prevail to arbitrate any conflicts.
8. 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 more than 12 arcade devices, adding floor area, changes to the use or operation, or any physical change as determined by the Planning Hearing Officer.
9. That the facilities shall not be rented, leased or otherwise occupied for purposes not specified.
10. That the proposed full-service restaurant adheres to the City's Fresh Air (smoking) Ordinance.
11. 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.
12. That the applicant shall comply with all the conditions of Conditional Use Permit Case No. PCUP No. 1236613 as specified in the decision letter dated March 12, 2013.
13. 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 26, 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.

REVOCATION, 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.