



CITY OF GLENDALE, CALIFORNIA
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division

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February 11, 2013

Janelle Williams
2418 Honolulu Avenue, Suite B
Montrose, CA 91020

RE: 6522 SAN FERNANDO ROAD
CONDITIONAL USE PERMIT NO. PCUP 1229452
(Winchester Room)

Dear Ms. Williams:

On February 6, 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 sales, service, and on-site consumption of alcoholic beverages at a bar in the "SFMU" – Commercial/Residential Mixed Use, located at 6522 San Fernando Road, described as Parcel B Parcel Map No. GLN 1082, 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 bar.

CODE REQUIRES

Conditional Use Permit

- 1) Approval of a Conditional Use Permit is required for sales, service, and consumption of alcoholic beverages in the "SFMU" 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 Winchester Room is located in the "SFMU" Zone where taverns (i.e., bars, cocktail lounges) may be allowed in agreement with the Mixed Use land use designation of the

Land Use Element of the General Plan. This district allows for a mix of residential and commercial land uses, except lots fronting San Fernando Road, which requires that commercial uses be located along the street frontage. Alcoholic beverage sales are a recognized service associated with commercial uses. The Winchester Room is a successful business that has served nearby residents and businesses for over 50 years, operating legally since 1962. The Circulation Element identifies San Fernando Road as a Citywide Street (major arterial) and Winchester Avenue as an Urban Collector. Land uses adjacent to Urban Collectors are generally mixed density residential, commercial, institutional, and industrial, including offices, hospitals, shopping centers, schools, libraries, and government buildings.

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.

It is not anticipated that the Winchester Room will have a detrimental effect on the community. The bar has proven to be compatible with the surrounding hotel, residences and businesses in the area for over 50 years and the use of the building, parking, and customer service hours will continue in the same manner. While the Winchester Room is located in an area that has more crime than some areas of the city, it has continuously sold alcoholic beverages since 1962. A review of the prior Conditional Use Permits shows that the Police Department has not had any major concerns related to this business since it began operating. Although the Glendale Police Department (GPD) noted that the crime rate for Census Tract 3016.01 exceeds the average Part 1 crimes for the City (171 crimes – 171% above the city-wide average of 63), no Part 1 crimes were associated with the Winchester Room.

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

This portion of San Fernando Road is developed with a mix of industrial and commercial uses and Winchester Room is part of a commercial shopping center with similar uses (liquor store and food establishments). The Winchester Room has continually operated at the same location since 1962 and the applicant is not proposing any changes to the existing floor plan or bar operation. In addition, the Planning Division has not received any formal complaints from the nearby commercial and residential properties. The on-site parking provided, together with conditions attached herein, is sufficient to assure that the facility will continue without any negative impacts on the area.

D. Adequate public and private facilities such as utilities, landscaping, parking spaces and traffic circulation measures are provided for the proposed use.

The sales and service of alcoholic beverages for on-site consumption was previously granted by Conditional Use Permit No. 10371-CU (Renewal) in August 2002. The applicant is proposing to operate the bar in the existing manner; therefore, it is not anticipated to increase the need for public or private facilities. The surrounding neighborhood is developed with adequate public and private facilities and infrastructure.

The existing parking spaces and lot circulation have shown to be sufficient for the existing shopping center uses, and no changes are anticipated for the parking demand for the bar. San Fernando Road is identified as a Citywide Street (major arterial) and Winchester Avenue is identified as an Urban Collector, which adequately handle the existing traffic circulation around the site. The continuation of on-site sales, service, and the consumption of alcoholic beverages at Winchester Room is not anticipated to intensify traffic circulation or parking demand. 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 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 such use will not tend to intensify or otherwise contribute to the adverse impacts on the surrounding area caused by over concentration.

There is a slight over concentration of licenses in this census tract. The Winchester Room is located in Census Tract 3016.01 which allows for five On-Sale establishments. Currently, there are six On-Sale licenses in this tract. Winchester Room is one of the existing six. While this establishment is in a statistically high crime area city records show no incidents related to the subject bar.

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

According to the Glendale Police Department, the applicant has an active Type 48 Alcoholic Beverage License (On-Sale General Public Premises). Although the Glendale Police Department noted that the crime rate for Census Tract 3016.01 exceeds the average Part 1 crimes for the City (171 crimes – 171% above the city-wide average of 63), no Part 1 crimes were associated with the Winchester Room. The Winchester Room has served alcoholic beverages for over 50 years, providing a service for the local community. Furthermore, the Police Department noted that within the last calendar year, a bar check was conducted in March of 2012 and a missing person incident was taken in April of 2012, however no report resulted in either instance. The Neighborhood Services Division has no open code violations.

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 Winchester Room is located in a small existing shopping center, which is located on a busy commercial thoroughfare. The majority of the area surrounding the subject site is developed with similar or more intensive land uses as the subject project. The bar has operated for over 50 years without apparent detrimental effect. The apparent successful operation of the bar indicates that the use serves as a public convenience

for the area. The City promotes "walkability" and this bar provides a nearby service for residents. Compatibility of land uses is important to fostering a productive and thriving community; therefore, conditions placed on the approval of the project will ensure that the proposed project will not adversely impact the nearby residential uses.

- 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.**

Twenty (20) on-site parking spaces were approved per Variance Case No. 8369-S. The applicant is proposing to restripe the front parking lot and restore the landscaping along San Fernando Road in order to bring the parking into compliance with approved Variance Case No. 9908-S. There will be a reduction in two spaces in order to comply with handicap accessibility for a total of 18 on-site parking spaces. It is expected that these spaces will continue to accommodate the parking demand of the subject property. The shopping center is located on the northeast corner of San Fernando Road (Major Arterial) and Winchester Avenue (Urban Collectors) all of which adequately handle the existing traffic circulation around the site. All streets meet the City standards to handle the existing vehicular traffic circulation into and out of this existing shopping center without difficulty. The City's Traffic and Transportation Section did not submit negative comments about traffic related issues.

- 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.**

Compatibility of land uses is important to fostering a productive and thriving community. The continued service of alcoholic beverages at the existing bar serves a public convenience because it serves local residents and businesses. 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 and was able to justify approval of the case based on the criteria required for alcohol-related cases in Sub-Section 30.42.030(E), Glendale Municipal Code. The subject bar has existed in this area for over 50 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 conditions:

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. 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.
4. The hours of operation shall be limited to noon to 2:00 a.m.
5. The parking lot shall be provided with painted lines to define legal parking spaces, wheel stops, and directional signs in accord with City code standards to the satisfaction of the Planning Hearing Officer within 60 days of this decision letter.
6. Landscaping shall be reinstalled along the entire 2-foot strip, between the building (currently Roy's Liquor) and sidewalk along San Fernando Road. Landscaping shall be in compliance with the plans and conditions of previously approved Standard Variance Case No 9908-S, subject to approval of the Planning Hearing Officer. Per the approved site and revised planting plan dated 1-24-99, no curb or irrigation system is required, though irrigation is recommended. The landscaping area shall be maintained with living plant materials free of weeds, trash and litter at all times.
7. The Billiard Room Permit shall be restricted to one table only and Live Entertainment Permit restricted to Karaoke, and kept current at all times as long as the use is active.
8. No exterior signs advertising the sales/service of alcoholic beverages are permitted, banners shall be prohibited, and all signs displayed shall conform to the requirements of the Glendale Municipal Code.
9. The property shall be kept clear of weeds, trash, and any graffiti shall be removed in a timely manner.

10. All music, lighting, noise and odors shall be confined within the building 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.
11. The facilities shall not be rented, leased or otherwise occupied for purposes not specified.
12. 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, with concurrence from the Director of Community Development.
13. The bar shall adhere to the City's Fresh Air (smoking) Ordinance.
14. The service of alcoholic beverages shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control.
15. The door at the rear of the building, facing the alley, shall be kept closed during all hours of operation.
16. That the authorization granted herein shall be valid for a period of **10 years, until MARCH 1, 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 **February 26, 2013**, in the Building and Safety Division, 633 East 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 Development 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 (Kathy Duarte at 818.937.8163) 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); Jin Pak – operator; and case planner – Kathy Duarte.