



CITY OF GLENDALE, CALIFORNIA  
COMMUNITY DEVELOPMENT DEPARTMENT  
Director of Community Development

633 East Broadway, Room 103  
Glendale, California 91206-4386  
(818) 548-2144 Fax (818) 240-0392  
www.ci.glendale.ca.us

December 4, 2012

In Hwan (Ian) Kim  
2256 Honolulu Avenue  
Montrose, CA 91020

RE: 2256 HONOLULU AVENUE  
CONDITIONAL USE PERMIT NO. PCUP 1232195  
(Three Drunken Goats)

Dear Mr. Kim:

On November 28 2012, 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 renew a Conditional Use Permit to allow the on-site sale, service, and consumption of beer and wine at an existing full-service restaurant and the off-site sale of beer and wine in the establishment's market, located at **2256 Honolulu Avenue**, in the "CR" - Commercial Retail Zone, described as Lot 50, Portions of Lots 49 and 51, Tract No. 1701, in the City of Glendale, County of Los Angeles.

APPLICANT'S PROPOSAL

- 1) To renew a Conditional Use Permit to allow the on-site sale, service and consumption of beer and wine at an existing full-service restaurant and the off-site sale of beer and wine.

CODE REQUIRES

- 1) On-site sale, service and consumption of beer and wine require a Conditional Use Permit in the "CR" 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. That the proposed use will be consistent with the various elements and objectives of the general plan.

The proposed use will be consistent with the various elements and objectives of the general

plan and North Glendale Community Plan. General Plan elements provide citywide policy direction, with the local Community Plans providing specific neighborhood description and design guidelines. The service of beer and wine at this full service restaurant, and the off-site sale of beer and wine (in the establishment's market) is a commercial use, which is consistent with the goals and objective of the General Plan and the North Glendale Community Plan. Three Drunken Goats is located in the Commercial Retail (CR) Zone, which is intended to accommodate retail shopping and convenience services in the Montrose Shopping Park in conformance with the comprehensive general plan. It provides pedestrian-friendly, destination shopping and dining supported by public parking lots, wide sidewalks and shade trees and draws customers from regions beyond the Crescenta Valley. Beer and wine sales are a recognized service associated with restaurants. In addition, continuation of this service would be in keeping with the goal of the North Glendale Community Plan to preserve the existing independent, small businesses. Three Drunken Goats is a successful business that has served a regional client base for over 5 years, operating legally since 2007.

The Circulation Element identifies Honolulu Avenue (between La Crescenta Avenue and Montrose Avenue) as an Urban Collector. The predominant land use character of the frontage property on an Urban Collector is community and regional commercial. In addition, this section of Honolulu Avenue is identified in the North Glendale Community Plan as a Pedestrian Priority Area with roadways in commercial mixed-use districts that give first priority to pedestrian amenities, and traffic calming, including wide-sidewalks, pedestrian lighting, curb extensions and signalized crosswalks. Three Drunken Goats is located in a pedestrian oriented area with wide sidewalks and features outdoor dining.

**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 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 Three Drunken Goats will have a detrimental effect on the community. The full service restaurant and market have proven to be compatible with the Montrose Shopping Park businesses, and the use of the building, parking, and customer service hours will continue in the same manner.

The proposed on-site use is located in a census tract with more than the recommended maximum concentration of on-site or off-site alcohol sale uses, as recommended by the California Department of Alcoholic Beverage Control, but will not tend to intensify or otherwise contribute to the adverse impacts on the surrounding area caused by such over concentration based on the comments submitted by the City of Glendale Police Department. The Three Drunken Goats is located in Census Tract 3006, which allows for seven On-Sale establishment and there are currently 32 On-Sale licenses. The Three Drunken Goats is one of the existing 32. The Glendale Police Department noted that the crime rate for Census Tract 3006 exceeds the average Part 1 crimes for the City (130 crimes – 106% above the city-wide average of 63). Although the Glendale Police Department (GPD) noted that this establishment is in an area that is over concentrated and has a higher than average crime

rate, they stated that there have been no calls for service from this location, and that it does not appear that the restaurant contributed to the higher crime rate. A review of the prior Conditional Use Permits shows that the Police Department did not have any major concerns related to this business. The Neighborhood Services Section has no open code enforcement cases on the property.

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

The use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property. Three Drunken Goats has operated as the same use since 2007, and the applicant is not proposing any changes to the existing floor plan or operation. This portion of Honolulu Avenue is developed with a variety of retail, restaurant, and service related businesses and Three Drunken Goats will continue to complement them. There will be no impact to existing traffic, loading, or noise caused by the use. In addition, the Planning Division has not received any formal complaints from the nearby commercial and residential properties.

**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.**

Adequate public and private facilities such as utilities, landscaping, parking spaces and traffic circulation measures are provided for the proposed use. The applicant is proposing to operate the full service restaurant and store in the existing manner; therefore, it is not anticipated to increase the need for public or private facilities. It is a Pedestrian Priority Area with existing pedestrian amenities and traffic calming, including wide-sidewalks, pedestrian lighting, curb extensions and signalized crosswalks. The continuation of on-site sale, service, and the consumption of beer and wine at Three Drunken Goats is not anticipated to intensify traffic circulation or parking demand. City Parking Lot 7 provides sufficient parking spaces for this portion of the Montrose Shopping Park, and no changes are anticipated for the parking demand for Three Drunken Goats. Uses within the Montrose Shopping Park are encouraged to use shared parking as described in the North Glendale Community Plan (Area 4.5.a). Honolulu Avenue is identified as an Urban Collector, which adequately handles the existing traffic circulation around the site. The Traffic Engineer's Section did not submit concerns related to traffic circulation and parking. However, Public Works reported that the restaurant has sidewalk dining without a permit. ***The applicant must obtain a sidewalk dining permit for that function.***

**E. For applications involving the sale, serving or consumption of alcoholic beverages, That all the criteria set forth in Section 30.42.030 (F) to be considered in making the findings in subsection A. through D. above have all been met and thoroughly considered:**

1. That where a proposed on-site use is located in a census tract with more than the recommended maximum concentration of on-site uses or that where an existing off-site use is located in a census tract with more than the recommended maximum concentration of off-site uses, as recommended by the California Department of Alcoholic Beverage Control, such use will not tend to intensify or otherwise contribute to

the adverse impacts on the surrounding area caused by such over concentration based on the comments submitted by the City of Glendale Police Department. The Three Drunken Goats is in an area that is over concentrated with liquor licenses. Census Tract 3006 allows for seven On-Sale establishments and there are currently 32 On-Sale licenses. The Three Drunken Goats is one of the existing 32. While this establishment is in a statistically high crime area, it does not appear that the establishment has in any way contributed to this as within the last calendar year there were no calls for police service at this location.

2. That where the existing or proposed use is located in a crime reporting district with a crime rate which exceeds twenty (20) percent of the city average for Part I crimes, as reported by the Glendale Police Department, such use will not tend to encourage or intensify crime within the district because conditions placed on the approval of this conditional use permit will reduce the potential for these deleterious impacts to occur. According to the Glendale Police Department, the applicant has an active Type 41 Alcoholic Beverage License (On-Sale Beer and Wine Eating Place). Although the Glendale Police Department noted that the crime rate for Census Tract 3006 exceeds the average Part 1 crimes for the City (130 crimes – 106% above the city-wide average of 63), the Police Department noted that within the last calendar year there were no calls for service at this location and that it does not appear that Three Drunken Goats, in any way, contributes to the higher crime rate. The Neighborhood Services Section has no open code enforcement cases on the property.
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. Three Drunken Goats is located in the Montrose Shopping Park, which is designated as a regional shopping area. The majority of the area surrounding the subject site is developed with similar or more intensive land uses as the subject project. In addition, this section of Honolulu Avenue is identified in the North Glendale Community Plan as a Pedestrian Priority Area with first priority given to pedestrian amenities and traffic calming, including wide-sidewalks, pedestrian lighting, curb extensions and signalized crosswalks. The City promotes "walkability" and these features provide a service for nearby residents. The restaurant contributes to the goals of the North Glendale Community Plan.
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. It is a Pedestrian Priority Area with existing pedestrian amenities and traffic calming, including wide-sidewalks, pedestrian lighting, curb extensions and signalized crosswalks. The continuation of on-site sale, service, and the consumption of alcoholic beverages at the Three Drunken Goats is not anticipated to intensify traffic circulation or parking demand. City Parking Lot 7 (and other shared City Parking lots) provides sufficient parking spaces for this portion of the Montrose Shopping Park, and no changes are anticipated for the parking demand for Three Drunken Goats. Uses within the Montrose Shopping Park are encouraged to use shared parking as described in the North Glendale Community Plan (Area 4.5.a). Honolulu Avenue is identified as an Urban Collector, which adequately handles the existing traffic circulation around the site. The Traffic Engineer's Section did not submit concerns related to traffic circulation and parking.

5. That, notwithstanding consideration of the criteria in subsections 1 through 4 above, the continued beer and wine 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 full service restaurant and store 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(F), Glendale Municipal Code. The conditional use permit is for the continued on-site sale, service and consumption of beer and wine at an existing restaurant. A restaurant with beer and wine sale, service and consumption has been in operation at this location since 2007 and there are numerous other restaurants serving beer and wine in the neighborhood (Montrose Shopping Park). The conditions attached to the approval will control the use in a manner necessary to allow the continued sale, service and consumption of alcoholic beverages at the restaurant 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 Planning Hearing Officer.
2. That 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. That 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. That the hours of operation shall be limited to **10:30 a.m. to 12 a.m.**
5. That the existing Zoning Use Certificate shall be modified to reference this conditional use permit.
6. That the applicant shall obtain a sidewalk dining permit from the Public Works Department or cease sidewalk dining.

7. That no exterior signs advertising the sales/service of alcoholic beverages be permitted, banners shall be prohibited, and all signs displayed shall conform to the requirements of the Glendale Municipal Code.
8. That graffiti shall be removed in a timely manner.
9. That 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.
10. That the facilities shall not be rented, leased or otherwise occupied for purposes not specified.
11. 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, with concurrence from the Director of Community Development Department.
12. That the restaurant and store adhere to the City's Fresh Air (smoking) Ordinance.
13. 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.
14. That 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.
15. That the authorization granted herein shall be valid for a period of **ten (10) years, until December 20, 2022**, 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 **December 19, 2012** in the Building and Safety Division, 633 E. 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.

### **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.

### **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 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,



VILIA ZEMAITAITIS  
Planning Hearing Officer

VZ:sm

CC: City Clerk (K.Cortes); 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 (A.Jimenez); Integrated Waste Management Admin. (D.Hartwell); Maintenance Services Section Admin. (D.Hardgrove); Street and Field Services Admin.; Environmental Management (M.Oillataguerra); Edith Fuentes; and case planner – Kathy Duarte.