



CITY OF GLENDALE, CALIFORNIA
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division

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September 12, 2012

Peter Whittingham
Curt Pringle & Associates
Representing COFFEE BEAN & TEA LEAF
2400 East Katella Avenue, Suite 350
Anaheim, CA 92806

**RE: 3701 OCEAN VIEW BOULEVARD, UNIT "A2"
CONDITIONAL USE PERMIT NO. PCUP 1219941
(Coffee Bean & Tea Leaf)**

(SEE: PARKING REDUCTION PERMIT NO. PPRP1219938)

Dear Mr. Whittingham:

On August 22, 2012, the Planning Hearing Officer conducted and closed a public hearing, pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.42.030, on your application for a Conditional Use Permit to allow a fast food restaurant located at **3701 Ocean View Boulevard – Unit "A2"**, in the "CR" Commercial Retail and "C3" Commercial Services zones with eight (8) parking spaces, described as Portion of Lot 297, Tract No. 1701, and Portions of Lots 7 through 14, Sparr Heights Tract, and Portion of a Vacated Alley in the City of Glendale, County of Los Angeles.

APPLICANT'S PROPOSAL

Conditional Use Permit

- (1) To allow the continued operation of a fast food restaurant in the "CR" Commercial Retail zone.

CODE REQUIRES

Conditional Use Permit

- (1) A conditional use permit is required for a fast food restaurant in the "CR" Commercial Retail zone (GMC Table 30.12 - A).

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:

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. General Plan elements provide citywide policy direction, with the local Community Plans providing specific neighborhood description and design guidelines. This fast food restaurant is a commercial use, which is consistent with the goals and objectives of the General Plan and the North Glendale Community Plan. The North Glendale Community Plan describes the Montrose Shopping Park as a pedestrian-oriented shopping area in which a mix of commercial, retail and service uses co-exist, where modest building, outdoor dining and use of shared parking is encouraged. The surrounding area has several similar uses as well as a mixture of retail, service uses, and full service restaurants. Each of these uses complements the others in this pedestrian-oriented open shopping area. The proposed business will continue to occupy a prominent corner of the city, Honolulu Avenue and Ocean View Boulevard, and will continue to encourage pedestrian traffic within the shopping park.

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. The continued use as a fast food restaurant will complement other businesses in the surrounding area and will help keep the corner active. The zoning for the property is Commercial Retail (CR), which allows various commercial uses. A conditional use permit is required for fast food restaurants in the CR zone. Fast food restaurants are considered high intensity commercial uses such that they typically have a high turnover of patrons, have drive-through windows and are a destination location. The use is not a typical fast food restaurant since it does not have a drive-through and its menu is limited to coffee beverages, baked goods, and premade and packaged sandwiches. The Montrose Shopping Park is a destination location in itself that encourages walking, window shopping and lingering stays. Other uses in the Montrose Shopping Park share similar characteristics and have not been detrimental to public health, safety, welfare or the environment.

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 due to the fact that the business will continue to occupy an existing tenant space and shared parking is available. There will be no impact to existing traffic, loading, or noise caused by the use. The business will continue to help improve business within the surrounding commercial area. In addition, the Coffee Bean & Tea Leaf is an existing use, so no business will be lost due to use being located on the site.

The surrounding area has a variety of retail, restaurant, and service related businesses and is compatible with the existing mix of uses.

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

Adequate public and private facilities such as utilities, landscaping and traffic circulation measures are and will be provided for the use, with the associated application of a parking reduction permit. Associated utilities are existing within the public rights-of-way and are adequate to serve the continued use of the site as a fast food restaurant. The property has 78 parking spaces to serve the multiple uses in the shopping center. The use requires 16 additional parking spaces. A standards variance was previously granted for this use in 2003 for not providing the required number of parking spaces. This variance has since expired and the applicant has applied for a parking reduction permit to address the shortfall. There are three City-owned public parking lots within 500 feet of the subject property. The applicant is proposing to use the nearby City-owned parking lots to accommodate their employees and customers. A parking reduction permit has been granted and identifies that existing and shared parking opportunities in City-owned parking facilities are adequate to accommodate employees and customers of this fast food restaurant. Uses within the Montrose Shopping Park are encouraged to use shared parking as described in the North Glendale Community Plan (Area 4.5.a). A condition of approval has been included to require Coffee Bean & Tea Leaf to obtain any necessary parking permits for their staff to park in the City-owned parking lots.

SUMMARY OF PLANNING HEARING OFFICER'S DECISION

The Planning Hearing Officer was able to make all the four required findings in favor of the application and was able to justify approval of the case based on the applicant substantiating the findings for a Conditional Use Permit for a fast food use. 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 Planning Hearing Officer.
- 2) That all necessary permits shall be obtained from the Building and Safety Division.
- 3) That the premises shall be maintained in a clean and orderly condition, free of weeds, trash and graffiti. The applicant shall provide adequate trash cans and collection to maintain the area free from litter.
- 4) 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.

- 5) That the facilities shall not be rented, leased, or otherwise occupied for purposes not specified in this application.
- 6) That the proposed business shall comply with the Fresh Air Ordinance.
- 7) That the proposed business shall obtain and maintain a valid Zoning Use Certificate.
- 8) That a map of the Montrose Shopping Park showing the locations of the nearby City parking lots shall be placed within the tenant space in a conspicuous place for customers to view.
- 9) That the business owner shall obtain parking permits to allow his/her employees to park in the City-owned parking lots during their shifts.
- 10) That the applicant shall comply with all the conditions of Parking Reduction Permit No. Case No. PPRP 1219938.

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 September 27, 2012**, 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; City Attorney's Dept. (G. van Muyden/M.Yun); Police Dept. (T. Feeley); Fire Prevention Engineering Section-(D.Nickles); City Engineer and Traffic & Transportation Section; Dir. of Public Works Dept.; Water Section (R.Takidin); Electric Section (M.Kelley/M.Jackson); Parks, Recreation and Community Services Dept. (Emil Tatevosian); Neighborhood Services (J.Brownell/A.Jimenez); Integrated Waste Management Admin. (D.Hartwell/T.Brady); Maintenance Services Section Admin. (D.Hardgrove); Street and Field Services Admin.; Environmental Management (M.Oillataguerra); and case planner – Erik Krause.