glendale california

City of Glendale
Community Development
Planning & Neighborhood Services

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November 24, 2014

Janelle Williams
Williams Land Use Services
2418 Honolulu Avenue, Unit "B"
Montrose, CA 91020

RE: 3437 OCEAN VIEW BOULEVARD
ADMINISTRATIVE USE PERMIT NO. PAUP 1420359

(SEE: PARKING REDUCTION PERMIT NO. PPRP 1420364)

Dear Ms. Williams:

Pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.49, the Community Development Department has processed your application for an administrative use permit requesting an Administrative Use Permit application for the on-site sales, service and consumption of alcoholic beverages at the expanded use, located at **3437 Ocean View Boulevard**, in the "C3"-Commercial Service Zone, described as Lot 10, Block 27, Sparr Heights Tract, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

(1) An administrative use permit application is required for alcoholic beverage sales in the "C3" Zone (GMC 30.12.020.C, Table 30.12 - A).

APPLICANT'S PROPOSAL

(1) To continue the on-site sale, service and consumption of alcoholic beverages in the expanded tavern with meal service.

ENVIRONMENTAL RECOMMENDATION

The project is exempt from CEQA review as a Class 1 "Existing Facilities" exemption pursuant to State CEQA Guidelines Section 15301.

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 alcoholic beverages at this expanded tavern with food service is a commercial use that is consistent with the goals and objectives of the General Plan and the North Glendale Community Plan. The John Sparr Tavern is located in the Commercial Service (C3) Zone, which is intended to accommodate retail shopping and convenience services in the Sparr Heights Business District in conformance with the comprehensive general plan.

Sparr Heights Business District 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. Continuation of alcoholic beverage sales in conjunction with an expanded tavern operation with food service would be in keeping with the goal of the North Glendale Community Plan to preserve the existing independent, small businesses. A tavern has served the local client base for almost 55 years, operating legally since 1959.

The Circulation Element identifies Ocean View Boulevard (between Honolulu Avenue and Verdugo Road) as a Minor Arterial. The predominant land use character of the frontage property on a Minor Arterial is community commercial. In addition, this section of Ocean View 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. The John Sparr Tavern will be located in a pedestrian oriented area with wide sidewalks. The establishment will feature outdoor dining adjacent to the sidewalk, which is encouraged in this area. The continued sale, service and consumption of alcoholic beverages will be a complementary use to the expanded food service proposed for the tavern.

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 continued on-site consumption of alcoholic beverages for the expanded tavern requires an approved administrative use permit in this zone. A tavern has been in operation at this location for almost 55 years (with various CUPs for over 35 years) without adversely affecting or conflicting with adjacent uses. The establishment proposes to convert the existing upstairs owner's unit to ancillary tavern/restaurant space, such as larger, ADA-compliant bathrooms, food storage, scullery, and office area, and to add 231square feet on the ground floor for an enlarged kitchen area and elevator. The actual dining/bar area for occupancy by patrons will remain the same size. The consumption of alcoholic beverages is proposed with or without

meal service. The tavern is surrounded by other complementary businesses, including office, retail and service type uses. A single family residential neighborhood is located to the west, across the existing 20-foot wide alley. Conditions have been added to address any possible noise, loitering, trash and other impacts resulting from the proximity of the expanded tavern to the existing residences. Adequate public and private facilities such as utilities and some landscaping exist. The request to continue to serve alcoholic beverages with the expanded food service is not anticipated to create any traffic-related negative impacts on these streets and other businesses over and above the existing condition. The Police Department has reviewed the request to serve alcoholic beverages and has recommended appropriate conditions to further safeguard the health, safety, and general welfare of the public. Within the last calendar year, there were no calls for service to this location, as noted in the official Police comments. According to Police staff, there have been no calls for Police within the last five years except for one real call regarding alleged fraud. Similarly, no complaints have been filed by the public concerning the existing tavern use.

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 John Sparr Tavern is located within a commercial district and surrounded by complementary uses. The expanded tavern's request to continue to serve alcoholic beverages in addition to their expanded food service will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property, since it would not change the land use designation of the existing establishment. In this regard, the service of alcoholic beverages will be offset by the expanded meal service and dining experience. Conditions have been added to minimize potential noise and light impacts from the outdoor dining patio upon neighboring residential uses.

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

The Village Pub is currently in operation within the two-story building constructed in 1939. A tavern has occupied the ground floor for over 55 years, while the upstairs featured an owner's/operator's residential unit. The proposal to convert the upstairs owner/operator unit to ancillary area (storage, scullery, office, bathrooms) for the expanded tavern/restaurant does not involve enlarging the actual public occupancy area on the ground floor. The parking for the expanded tavern and upstairs conversion is addressed in Parking Reduction Permit PPRP 1420364.

The proposed tavern plan includes a redesign of the rear parking area to provide one ADA-compliant handicap space and one code-compliant parking space and

one tandem space, as well as room for loading, trash, landscaping, and a rear courtyard patio dining area. The parking area is accessed off a rear alley. Public parking is available on-street, and in the public parking lots (13 spaces in the parking lot at the southerly terminus of Ocean View Boulevard and North Verdugo Road, 44 spaces in the lot adjacent to Montrose Community Park to the east of Sparr Boulevard, and 94 spaces in the City Parking Lot No. 7 at the corner of Broadview Drive and Market Street). Four parking spaces are to be leased in City Parking Lot No. 7 for employee parking. The Circulation Element identifies Ocean View Boulevard (between Honolulu Avenue and Verdugo Road) as a Minor Collector. It is fully improved and adequately services the subject site and surrounding commercial developments.

Required additional findings of fact for an AUP for alcohol sales, service and consumption:

That all the criteria set forth in Section 30.49.030 to be considered in making the findings in subsection A. through D. above have all been met and thoroughly considered:

1) That such use will not tend to intensify or otherwise contribute to the adverse impacts on the surrounding area caused by over concentration. The project site is located in census tract 3006, which allows for seven On-Sale ABC liquor licenses. There are currently 32 On-Sale licenses in this tract. The Village Pub is one of the existing 32 On-Sale ABC licenses. The Village Pub currently has a Type 42 Alcoholic Beverage License (On-Sale Beer and Wine – Public Premises).

   This type of license authorizes the sale of alcoholic beverages for consumption in a bar or tavern, food service is not required, and minors are not allowed on the premises. This ABC license was permitted per CUP Case No. 10664-CU, approved July 19, 2004, to allow the on-site sales and consumption of alcoholic beverages at an existing tavern. Through this approval the applicant is proposing to change the ABC license to a Type 47, to allow the sale of alcoholic beverages at a bona fide eating place. This would allow the applicant to run a full-service restaurant with a bar. The Glendale Police Department noted no significant concerns with this proposal.

2) That such use will not tend to encourage or intensify crime within the district. No evidence has been presented which would indicate that the expanded tavern with food service and on-site consumption of alcoholic beverages in this location has or would encourage or intensify crime within the district. Although the GPD noted that the crime rate for Census Tract 3006.00 exceeds the average Part 1 crimes for the City in 2013 (crimes – 121% above the city-wide average of 53), there were no calls for police service at the former Village Pub in the last year; there was only one valid call for service (for fraud) in the last five years.

While this establishment is in a statistically high crime area, it does not appear that the establishment has in any way contributed to the higher crime rate. The continued sale of alcoholic beverages at the proposed John Sparr Tavern with expanded food service is not anticipated to encourage or intensify crime within this crime reporting district.

3) That such use will not adversely impact any other uses within the surrounding area (church, public or private schools or college, day care facility, public park, library, hospital or residential use.) While residential uses, a public school, a senior center and a public park are located nearby, the existing tavern has not proven to impact those uses, and the sale of alcoholic beverage will be complementary to the proposed food service. Additionally, the project is conditioned to ensure the expanded use and sale of alcoholic beverages will be in compliance with all municipal codes and state law. The on-site sales, service and consumption of alcoholic beverages with meal service at the expanded tavern/restaurant is not anticipated to adversely impact other neighboring uses in this area.

4) That the proposed use satisfies its transportation or parking needs, as described above in Finding D, as well as in the Parking Reduction Permit findings for and approval of PPRP 1420359.

5) That the proposed use will serve a public necessity or public convenience purpose for the area as evidenced by the demand for neighborhood taverns with food service and alcoholic beverages in the northern Glendale area.

CONDITIONS OF APPROVAL

APPROVAL of this Administrative 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 except for any modifications as may be required to meet specific code standards or other conditions stipulated herein to the satisfaction of the Director of Community Development.

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 the premises shall be operated in full accord with applicable State, County, and local laws.

4. That the service of alcoholic beverages shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control and that the applicant shall obtain the proper ABC license for the establishment.

5. That the restaurant and alcohol sales shall be open only between the hours of 9:00 a.m. to 12:00 a.m. Sunday through Thursday and from 9:00 a.m. to 2:00 a.m. Friday and Saturday.

6. That the outdoor patio area shall be open to use by patrons only between the hours of 9:00 a.m. and 10:00 p.m. Sunday through Thursday and 9:00 a.m. to 11:00 p.m. Friday and Saturday.

7. That sufficient measures shall be enforced to effectively eliminate interior and exterior loitering, parking congestion, disturbing noise, disturbing light, loud conversation, and criminal activities. No seating shall be provided in the parking area to discourage loitering.

8. 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 conditions of this approval.

9. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.

10. That noise shall be contained to the site, such that persons of normal sensitivity off-site are not disturbed. The restaurant shall install equipment in a manner that minimizes noise impacts to neighboring uses and complies with the noise ordinance.

11. That no speaker systems or televisions shall be installed outside the building or in the outdoor dining/waiting patio area.

12. That the parking area shall be kept adequately illuminated for security purposes during all hours of darkness. Light fixtures in the parking area shall be installed no higher than the height of the patio wall and shall be directed downward and away from adjacent properties. No lighting shall be installed or maintained that shines or reflects onto adjacent properties.

13. That the outdoor patio shall be surrounded with a decorative, solid masonry wall at least 7 feet in height and rear access to the parking lot from the outdoor patio shall be though a door with no openings to limit noise impacts upon neighboring uses. The outdoor patio lights shall be installed no higher than the height of the patio wall and lighting shall be directed downward and away from adjacent properties. Should patio umbrellas be used, lighting shall be located under the umbrellas. No lighting shall be installed or maintained that shines or reflects onto adjacent properties.

14. That all signs displayed shall conform to the requirements of the Glendale Municipal Code. No exterior signs advertising the service of alcoholic beverages shall be permitted.

15. That the tavern/restaurant shall remain open to the public during business hours.

16. That the front and back doors to the tavern/restaurant and the outdoor patio door to the parking lot shall be kept closed at all times while the location is open for business, except in case of emergency.

17. That live entertainment shall be allowed so long as it is within the building and does not disturb adjacent business and especially the residential neighborhood to the rear.

18. That this establishment shall be non-smoking. Nonsmoking signs shall be posted on the front and back of the building.

19. That the premises shall be maintained as a tavern/restaurant with meal service and shall provide a menu containing an assortment of foods normally offered in such establishment food service shall be available at all times.

20. That adequate means shall be provided for the collection of solid waste generated at the site and that all recyclable items shall be collected and properly disposed of to the satisfaction of the Integrated Waste Management Administrator of the City of Glendale. No trash containers shall be stored in any parking or landscaping area.

21. That any expansion or modification of the facility or use which intensifies this administrative use permit shall require a new administrative use permit. Expansion shall constitute adding floor area, changes to the use or operation, or any physical changes as determined by the Planning Hearing Officer with concurrence from the Director of Community Development.

22. That a new Business Registration Certificate shall be applied for and issued for a tavern/restaurant with sales, service, and consumption of alcoholic beverages, subject to the findings and conditions outlined in this decision letter.

23. That authorization granted herein shall be valid for a period of **5 (five) years (NOVEMBER 24, 2019),** in order to evaluate the sale, service and consumption of alcoholic beverages in the new outdoor dining/waiting area. If it is determined that such operation has no negative impacts on the surrounding neighborhood, the applicant can request additional time upon renewal of the administrative use permit.

APPEAL PERIOD, 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 Permit Services Center (PSC) or the Community Development Department (CDD) upon request and must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **DECEMBER 9, 2014**, at the Permit Services Center (PSC), 633 East Broadway, Room 101, Monday thru Friday 7:00 a.m. to 12:00 p.m., or at the Community Development Department (CDD), 633 East Broadway, Room 103, Monday thru Friday 12:00 p.m. to 5 p.m.

APPEAL FORMS available on-line: http://glendaleca.gov/appeals

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 $1,000.00, or imprisonment for a term not to exceed six months, or by both fine and imprisonment. Infractions are punishable by a fine not exceeding the sum of $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 administrative use permits.

To consider the revocation, the Director of Community Development Department, shall hold a public hearing after giving notice by the same procedure as for consideration of an Administrative 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 Director of Community Development.

GMC CHAPTER 30.41 PROVIDES FOR

Termination: Every right or privilege authorized by an Administrative Use Permit shall terminate two 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: An Administrative Use Permit may be terminated by the review authority upon any interruption or cessation of the use permitted by the Variance for one year or more in the continuous exercise in good faith of such right and privilege.

Extension: Administrative Use Permit granted by such right or privilege may be requested one time and extended for up to a maximum of one 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 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 variance.

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 undersigned 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,

Laura Stotler
Planning Hearing Officer

LS:VZ:sm

CC: City Clerk (K.Cruz); Police Dept. (Lt.S.Bickle/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(D.Nickles); Dir. Of Public Works (R.Golanian); Traffic Engineering Section (W. KO/S. Vartanian); General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (G. Tom/S. Boghosian); Glendale Water & Power--Electric Section (V. Avedian/B. Ortiz); Parks, Recreation and Community Services Dept. (J.Duran/T.Alexanian); 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; B.Taylor-architect on the project; D.Fink-owner; M.Clarke; T.MacDonald; and case planner Vilia Zemaitaitis.