glendale california

City of Glendale
Community Development
Planning & Neighborhood Services

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February 3, 2014

American Golf Corporation /
American Golf of Glendale
2951 28th Street, Suite 3000
Santa Monica, CA 90405

&

First Carbon Solutions
Attention: Jenny Mailhot
11755 Wilshire Boulevard, Suite 1660
Los Angeles, CA 90025

RE: 3800 EAST GLENOAKS BOULEVARD
CONDITIONAL USE PERMIT NO. PCUP 1320083

Dear Ms. Mailhot:

On January 22, 2014 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 continued sales, service, and on-site consumption of beer and wine (Type 41) at an existing golf course with clubhouse facilities in the "SR" – Special Recreation zone, located at **3800 East Glenoaks Boulevard,** described as Portion of Lot 89, Map No. 2 of Watts' Subdivision; Lots 17 and 18, Tract No. 10232; Portions of Lots B and C, Sicomoro Canyon Tract; Portion of Lot 240, Tract 7498; Lot 2 Tract 10395; and Portions of vacated Dawes Drive and Glenoaks Boulevard, in the City of Glendale, County of Los Angeles.

APPLICANT'S PROPOSAL
Conditional Use Permit
1) To allow the sales, service and consumption of beer and wine, Type 41, at an existing golf course with clubhouse facilities.

CODE REQUIRES
Conditional Use Permit
1) Approval of a Conditional Use Permit is required for sales, service, and consumption of alcoholic beverages for full-service restaurants in the "SR" – Special Recreation zone.

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

The request for the continued on-site sales, service, and consumption of beer and wine at the existing golf course with clubhouse facilities will be consistent with the elements and objectives of the General Plan. The Land Use Element seeks to improve the livability of the total community for all Glendale residents as expressed in the living, working, and shopping areas. The on-site sales, service and consumption of beer and wine at this location is an ancillary use at the existing clubhouse associated with the golf course and tennis facilities. The Circulation Element of the General Plan identifies East Glenoaks Boulevard as a fully improved street and is classified as a Community Collector street that serves the surrounding residential community.

The existing golf course, tennis facilities and associated club house are permitted in the SR (Special Recreation) zone and are consistent with the Recreation/Open Space land use designation of the General Plan. The on-site sales, service and consumption of alcoholic beverages requires the approval of a Conditional Use Permit (CUP) in the "SR" special purpose district. The applicant's request for on-site sales, service and consumption of beer and wine with meals is incidental to the primary operation and will serve a public necessity or public convenience purpose for the area.

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 subject site has been operating with the existing clubhouse since 1979. The applicant's request for the on-site sales, service and consumption of beer and wine is not anticipated to be detrimental to the public health or safety, the general welfare, or the environment, as conditioned. The golf course and associated facilities will continue to operate in the same manner and the on-site sales, service and consumption of beer and wine will be complementary to the primary use. No new construction is proposed in conjunction with the CUP application. The applicant's request is not anticipated to create any negative traffic-related impacts on area streets over and above the existing conditions because it is ancillary to the project site's primary use.

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

The request for the continued on-site sales, service, and consumption of beer and wine is not anticipated to negatively impact the establishment, or surrounding residential development. The request to continue the on-site sales, service and consumption of beer and wine at this location is not anticipated to create any negative traffic-related impacts on these streets and other businesses over and above the existing conditions. Access to the property and parking is from East Glenoaks Boulevard. The subject site is located in the eastern most portion of the Glenoaks Canyon neighborhood. This area is mainly surrounded by hillsides and within close proximity to residential neighborhoods. The closest residential neighborhood is across the mountain approximately 0.5 mile away. The proposed Conditional Use Permit request is not anticipated to result in a negative impact to residents in the neighborhood. The use has existed for many years and has not proven to be detrimental to surrounding uses. The request to continue to sell, serve and consume beer and wine at the existing clubhouse and associated facilities will continue to be an ancillary service to the primary clubhouse use.

D. 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, parking spaces and traffic circulation measures are provided for the use and are existing. Associated utilities exist within the public rights-of-way and are adequate to continue service to the building. No changes are proposed to the parking for the use; there are currently 157 parking spaces on-site to the west of the existing building. The parking demand is not anticipated to intensify with the continued sale of alcoholic beverages. The applicant's CUP request for alcoholic beverage sales will not require any new city services, nor will it require any changes to landscaping, parking or traffic circulation

Furthermore, this request requires that additional findings of fact be made, as follows:

For applications involving the sale, 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.**

   The sale of beer and wine is incidental to the primary clubhouse use at "Scholl Canyon Golf Course" and does not, or will not, tend to encourage or intensify

crime within this reporting district. According to the Glendale Police Department, the applicant has a Type 41 liquor license (On-Sale Beer and Wine-Eating Place). Census Tract 3009.02 allows for one on-sale establishment and the golf course is the only active on-sale license in this tract.

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

   According to the Glendale Police Department, the subject site is not located in a crime reporting district with a crime rate that exceeds 20 percent of the city average for Part 1 crime. Based on the City's Part 1 crime statistics for 3009.02 in 2012, there were seven crimes reported, which is 88% below the city wide average of 60. Within the last calendar year, there were five calls for police service at this location. Four of these calls for service were for the burglar alarm being set off, and one was for a suspicious juvenile; no report was ever taken for these incidents. No evidence has been presented which would indicate that the existing clubhouse with the on-site sales, service and consumption of beer and wine would encourage or intensify crime within the district. Suggested conditions made by the Police Department have been included in the conditions of approval to ensure that any potential negative impacts will be appropriately mitigated.

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.**

   No public facilities are located within the immediate area with the exception of the project site. The closest public facilities are: Lower Scholl Canyon Park at 2849 East Glenoaks Boulevard (1.3 miles to the west), Glenoaks Park at 2531 East Glenoaks Boulevard (1.7 miles to the west), and Glenoaks Elementary School at 2015 East Glenoaks Boulevard (2.5 miles to the west). While these facilities are within close proximity to the subject site, they are located outside of the immediate neighborhood. The applicant's request for a CUP at this location will not be a detriment to the safety and public welfare of the neighborhood, since the service of beer and wine is generally viewed as a common extension of the existing primary use.

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.**

   The applicant is proposing to operate the existing golf course, tennis facilities and clubhouse in the existing manner; therefore, it is not anticipated to increase the need for public or private facilities. The ancillary service of beer and wine at the existing establishment is not anticipated to intensify traffic circulation or parking

demand. East Glenoaks Boulevard is identified as a Community Collector, which adequately handles the existing traffic circulation around the site. The proposed use satisfies its transportation and parking needs as described above because adequate access, parking, and delivery spaces are available to serve this use.

5. **That, notwithstanding consideration of the criteria in subsections 1 through 4 above, the continued sales, service and on-site consumption of beer, wine and distilled spirits does serve a public convenience for the area. Compatibility of land uses is important to fostering a productive and thriving community.**

   The applicant's request to continue the on-site sales, service, and consumption of beer and wine to their primary golf course use does serve a public convenience because it serves local residents, businesses, and the surrounding community using the facilities. Conditions placed on the approval of the project will ensure that it will not adversely impact nearby 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 subject golf course and club house facilities have existed in this area for 36 years, since 1979. 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 golf course clubhouse. 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 necessary licenses, permits as required, or approvals from Federal, State, County or City authorities including the City Clerk shall be obtained and kept current at all times.

3. That sufficient measures shall be enforced to effectively eliminate interior and exterior loitering, parking congestion, disturbing noise, disturbing light, loud conversation and criminal activities.

4. That the service of beer and wine for on-site consumption shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control.

5. That no speaker systems shall be installed outside the building.

6. That noise shall be contained to the site, such that persons of normal sensitivity off-site are not disturbed.

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

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 floor area, increased hours of operation, changes to the use or operation, or any physical change as determined by the Planning Hearing Officer with concurrence by the Community Development Director.

9. That all music, lighting, noise, and odors shall be confined to the occupancy so as not to disturb occupants of other businesses or properties and patrons on the public right-of-way. No music is allowed in the outdoor seating areas.

10. That the existing site adhere to the City's Fresh Air Ordinance, Title 15, Chapter 8.52 of the Glendale Municipal Code.

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

12. That no exterior signs advertising the service of alcoholic beverages shall be permitted. Consumption of alcoholic beverages will only be on those same licensed areas.

13. That the proprietor and his/her employees shall make an active and conscientious effort to keep customers and employees from trespassing on other nearby properties or otherwise making disturbances in the area.

14. That no patron to any of the business establishments will be allowed to bring into any establishment or maintain in the establishments, any alcoholic beverage unless that alcoholic beverage was purchased within that same establishment, unless the facility has an established corkage policy allowing and regulating such.

15. That the sale of beer and wine for consumption off the premises is strictly prohibited.

16. That the front and back doors of the establishment shall be kept closed at all times while the location is open for business, except in case of emergency.

17. That the sales, service, or consumption of beer and wine shall be permitted only between the hours of 6 am to 10 pm each day of the week.

18. That there shall be no video machines maintained on the premises.

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

20. That no separate bar area shall be maintained on the premises.

21. That live entertainment is permitted with the exception that no karaoke, no bikini activities or events, no lingerie activities or events, no swimwear activities or events, nor any similar activities of events be allowed where partial clothing of male or female entertainment is provided. A Live Entertainment permit must be obtained in accordance with G.M.C. 5.60.

22. That the applicant will provide all current and future employees with training designated to help them recognize intoxicated or underage patrons.

23. That access to the premises shall be made available to all City of Glendale Community Development Department, Neighborhood Services Division, Police Department, and Fire Department staff upon request for the purpose of verifying compliance with all laws and the conditions of this approval.

24. That the authorization granted herein shall be valid for a period of ten years until **FEBRUARY 3, 2024,** 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 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 **FEBRUARY 18, 2014,** at the Permit Services Center (PSC), 633 East Broadway, Room 101, Monday thru Friday 7:00 am to 12:00 pm, or at the Community Development Department (CDD), 633 East Broadway, Room 103, Monday thru Friday 12:00 pm to 5 pm.

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 Planning 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 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. (Lt.S.Bickle/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(D.Nickles); City Engineer and Traffic & Transportation Section (R.Golanian/G.Tom); Director of Public Works and General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (R.Takidin); Glendale Water & Power--Electric Section (M.Kelley/M.Jackson); Parks, Recreation and Community Services Dept. (E.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);and case planner Vista Ezzati.