



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

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www.ci.glendale.ca.us

March 20, 2013

Robert Toro
President
806 14th Street
Huntington Beach, CA 92648

**RE: 1133 SOUTH GLENDALE AVENUE
CONDITIONAL USE PERMIT NO. PCUP1232552 – ARCADE ESTABLISHMENT
(Shakey's Pizza Parlor)**

(SEE: PCUP1232548 (Renewal) - Beer And Wine)

Dear Mr. Toro:

On March 13, 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 operation of an **arcade** (five or more arcade devices) at an existing fast-food restaurant, located at **1133 South Glendale Avenue**, in the "C3" - Commercial Service Height District I, and "R-2250 P" - Medium Density Residential (Parking Overlay), described as Portion of Lots 4, 5, 6, 7 and 10, Block 1, Ayers Tract, in the City of Glendale, County of Los Angeles.

APPLICANT'S PROPOSAL

Conditional Use Permit

- (1) To allow the operation of an arcade (five or more arcade devices) at an existing fast-food restaurant.

CODE REQUIRES

Conditional Use Permit

- (1) An arcade establishment (five or more arcade devices) requires a Conditional Use Permit in the "C3" Zone.

ENVIRONMENTAL RECOMMENDATION: This 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 arcade establishment proposed within a restaurant is located in the "C3" Zone where an arcade establishment and restaurant may be allowed in agreement with the Community/Services Commercial land use designation of the Land Use Element (parking is located in the "R-2250 P" Medium Density Residential Parking Overlay Zone). This area is comprised of a mix of commercial establishments, including, but not limited to retail/services, offices, and restaurants. The site is located in a multi-tenant commercial center in the South Glendale area and the existing restaurant is approximately 4,959 square feet. While the proposal requires a conditional use permit to operate an arcade establishment, the proposed use is permitted in the C3 Zone and is consistent with the Land Use Element of the General Plan.

The aim of the Land Use Element of the General Plan is to improve the livability of the total community for all Glendale residents as expressed in the living, working, shopping areas, as well as community facilities. An arcade establishment at this location is appropriate in an area of the city zoned for commercial uses and would provide recreational opportunities for family members dining at the restaurant. In addition, the use of five or more arcade devices and other games inside the restaurant's "game room" is a typical amusement theme (catered primarily to children and youths) offered by Shakey's Pizza Parlor business operation. Thus, the operation of an arcade establishment inside a restaurant is consistent with the goals and objectives of the Land Use Element. Given the mix of commercial-related uses in the immediate area and the zoning designation of the property the proposed use is consistent with the Land Use Element and objectives of the General Plan.

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. Shakey's Pizza Parlor has operated at its current location in the South Glendale area for many years. This business is and will continue to be a fast-food restaurant and the arcade establishment is a feature incorporated into this restaurant. The arcade establishment will not operate independently from the restaurant and the arcade will only be open during regular restaurant hours. No evidence has been presented in the past or present which would indicate that the restaurant and its ancillary services would 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 arcade establishment (five or more arcade/video devices) will continue to be accessory to the primary 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 restaurant facility has existed for many years and has not adversely affected nor conflicted with adjacent uses or impeded the normal development of surrounding establishments and property. Shakey's Pizza Parlor has a "game room" inside the facility consisting of more than five arcade devices and other games. This amenity is popular among families, children and youths dining in the restaurant and has not and is not anticipated to cause any conflicts with surrounding development in the future. This business has operated from this location for over 20 years with no problems.

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 restaurant use. The site is fully developed and associated utilities are existing and will remain. In addition, on-site parking is available to serve the restaurant and the remaining commercial uses. The operation of an arcade establishment within the restaurant has not proven and is not expected to conflict or alter the existing parking demand of the uses on-site.

SUMMARY OF PLANNING HEARING OFFICER'S DECISION

The Planning Hearing Officer was able to substantiate the findings for the arcade establishment. The arcade is an accessory use to an existing fast-food restaurant that has been in operation for twenty-years. The arcade establishment offers recreational opportunities and conditions have been added to ensure its operation will not become a nuisance and that it will operate in accordance with City laws.

CONDITIONS OF APPROVAL

APPROVAL of this Conditional Use Permit for arcade establishment 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 and all construction shall be in compliance with the Glendale Building Code and all other applicable regulations.
3. 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
4. That the proprietor and employees shall take an active and conscientious effort to prevent interior and exterior loitering, trespass upon neighboring properties, parking congestion, disturbing noise, disturbing light, loud conversation and criminal activities.
5. That the premises shall maintain a bona fide restaurant and shall provide a menu containing an assortment of foods normally offered in such a restaurant. Food service shall be available at all times and in all areas of the premises during normal operating hours.
6. That noise shall be contained to the site, such that persons of normal sensitivity off-site are not disturbed. The Planning Hearing Officer's opinion shall prevail to arbitrate any conflicts.
7. That the facilities shall not be rented, leased or otherwise occupied for purposes not specified in this application.

8. That all arcade devices, video games and other electronic games shall remain in the designated "game room" as shown on the floor plan exhibit. No gambling is permitted.
9. 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.
10. 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.
11. That the fast-food restaurant adhere to the City's Fresh Air (smoking) Ordinance, Title 15, Chapter 8.52 of the Glendale Municipal Code.
12. That access to the premises shall be made available upon request to all City of Glendale authorized staff (i.e. Planning and Neighborhood Services Division, Building and Safety Division, Fire Department, Police Department, etc.) for the purpose of verifying compliance with all laws and the conditions of this approval.
13. The arcade shall operate only during the regular business hours when the restaurant is open to the public, in accordance with Title 30 of the GMC.
14. That the authorization granted herein shall be valid for a period of **ten years until MARCH 13, 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 **April 4, 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.

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 (Milca Toledo at 818.937.8181) 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,



Laura Stotler
Planning Hearing Officer

LS: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 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 – Milca Toledo.