glendale california

City of Glendale
Community Development
Planning & Neighborhood Services

633 E. Broadway, Room 103
Glendale, CA 91206-4386
Tel 818.548.2140 Tel 818.548.2115
Fax 818.240.0392 ci.glendale.ca.us

July 14, 2014

Albert Shahmoradian
4810 Ocean View Blvd
La Canada Flintridge, CA 91011

RE: 2276 HONOLULU AVENUE
ADMINISTRATIVE USE PERMIT CASE NO. PAUP 1403752
(Cucina Rustica)

Dear Ladies and Gentlemen:

On July 8, 2014, 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 to allow the continued on-site sales, service, and consumption of beer and wine at an existing full service restaurant, located at **2276 Honolulu Avenue** in the "CR" - Commercial Retail zone, described as Lot 45 and 46, Tract No. 1701 in the City of Glendale, County of Los Angeles.

PROJECT BACKGROUND

Project proposal: Application for an administrative use permit (AUP) to allow the continued sale, service, and on-site consumption of alcoholic beverages at an existing full-service restaurant.

Previous Permits for the Site: One previous conditional use permit to serve alcoholic beverages at a full service restaurant was granted on May 1, 2008 (Case No. PCUP 2008-003). The new AUP was submitted prior to the expiration of the existing Conditional Use Permit (CUP).

Related Concurrent Permit Application(s): There are no other related concurrent permit applications.

Environmental Recommendation: Exempt per CEQA Guidelines, Section 15301, Class 1 Existing Facilities.

General Plan: Regional Commercial

Zone: "CR" - (Commercial Retail) Zone

Description of existing property and uses: The subject tenant is located in a one-story commercial building fronting on Honolulu Avenue. This area of Honolulu Avenue contains a variety of commercial uses ranging from retail to restaurant. The subject full service restaurant is approximately 3,300 square feet and is located on the south side of Honolulu Avenue. The site is surrounded by commercial uses to the north, east and west. A city parking lot is located south of the subject site adjacent to an alley.

Neighboring Zones and Uses

	Zoning	Existing Uses
North (across Honolulu)	CR	Various Commercial Uses
South	C3	Parking Lot and Retail
East	CR	Various Commercial Uses
West (across Central Avenue)	CR	Various Commercial Uses
Project Site	CR	Various Commercial Uses

COMMENTS FROM OTHER CITY DEPARTMENTS: No major concerns were received from the various city divisions/departments. Suggested conditions were received from the Glendale Police Department to ensure that any potential negative impact will be appropriately mitigated. These conditions will be made part of the application if the AUP is approved.

PROJECT ANALYSIS

The subject site is located within the CR (Commercial Retail) Zone and the General Plan – Land Use Element designation of "Regional Commercial". In comparison to other commercial zones in the city, the CR zone is intended as a zone to accommodate retail shopping and convenience services in the Montrose Shopping Park. This zone has a limited list of land uses, which are more restrictive than the C2 and C3 zones. A full service restaurant is a permitted use in this zone.

The Cucina Rustica Restaurant is located in a one-story building constructed in 1940 and has been operating since June 16, 2009 under the current owner. The restaurant use has been in operation at this location for over four years without incident. The subject tenant is adjacent to other complementary businesses, including retail and restaurant type uses. A city parking lot is located to the south of the property adjacent to the alley. In addition, there are several parking spaces along Honolulu Avenue on both sides of the street.

Honolulu Avenue is considered an Urban Collector street. The site is surrounded by CR and C3-zoned properties and located within the Montrose Shopping Park. The request to continue serving alcoholic beverages in conjunction with an existing restaurant will not create any traffic-related impacts on area streets over and above existing conditions.

The request to serve alcoholic beverages with meals is an enhancement to the dining experience. The restaurant does not conduct happy hour for its customers. The experience one gets from consuming a beer or glass of wine with a meal at a full-service restaurant is different from an experience gained from consuming alcoholic beverages at a bar, tavern, or night club. The beverage is complimentary to the meal. The restaurant currently holds a Type 47 liquor license, which permits on-site consumption at a bona fide eating establishment and seeks to maintain the same license.

Cucina Rustica Restaurant is surrounded by other commercial developments on the east, west, and north. City parking lots are located within walking distance to the subject restaurant. In addition, there is on-street parking along Honolulu Avenue and Ocean View Boulevard. Negative impacts to the residents are not anticipated as a result with the continued service and consumption of alcoholic beverages. Since the Cucina Rustica Restaurant has been in operation, the restaurant has been a responsible operator as no reported conflict or adverse affects on adjoining businesses or residential uses have been reported.

The site was constructed with the commercial building located on the southern side of Honolulu Avenue. The subject restaurant is accessed from Honolulu Avenue. The premises are kept clean and well-maintained. The restaurant complements the eclectic mix of goods and services offered in this commercial district.

Cucina Rustica Restaurant is located in Census Tract No. 3006 which allows for seven on-sale establishments. There are currently 33 on-sale licenses in this census tract. According to the City's Part 1 crime statistics, there were 117 crimes reported in this census tract, which is 121% higher than the city-wide average of 53 crimes. While these numbers appear high, Cucina Rustica Restaurant is one of 33 existing businesses with an ABC license for on-site consumption. The request to continue serving alcoholic beverages at this location would not increase the number of licenses for on-site consumption. Census Tract 3006 covers a large commercial area, where there are many dining establishments and it is common for each business to have an on-site ABC license for alcoholic beverages. Many of these businesses have been in operation for many years. Cucina Rustica Restaurant has proven to be a responsible operator. Within the last calendar year, there were no calls for police service at this location.

The approval of the AUP for on-site consumption of alcoholic beverages at this location does not appear to be a detriment to the safety and public welfare of the neighborhood in general. While there are residential developments in the area, there are no public facilities located within the immediate area. The consumption of alcoholic beverages at a restaurant is considered low-intensity and would not negatively impact these facilities.

Overall, the applicant's desire to continue to serve beer and wine at Cucina Rustica Restaurant is supportable based on the facts surrounding this application and the findings:

After considering the evidence presented with respect to this application, the Deputy Director – Planning and Neighborhood Services has **APPROVED WITH CONDITIONS** your request based on the following findings:

REQUIRED FINDINGS

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

The subject site is zoned CR (Commercial Retail) and within the Regional Commercial designation of the Land Use Element of the General Plan. The Circulation Element designates Honolulu Avenue as an Urban Collector street. This street is a fully improved thoroughfare serving a multitude of businesses and residential developments. Cucina Rustica Restaurant is located in a commercial building alongside other commercial businesses. A full-service restaurant is a permitted use in this zone. The on-site consumption of alcoholic beverages requires an approved administrative use permit. However, since the consumption of alcoholic beverages with meals is incidental to the restaurant operation elements of the General Plan will not be impacted. No private or public improvements are required.

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.

Cucina Rustica Restaurant has been in operation at 2276 Honolulu Avenue since 2008, with the current owner. The restaurant was permitted to serve alcoholic beverages in the past with an approved Conditional Use Permit (CUP) without any detrimental impacts to the public health, safety, or the environment. Their most recent CUP expired on May 1, 2013. Glendale 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. Similarly, no complaints have been filed by the public concerning this operation.

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

Cucina Rustica Restaurant is located within a commercial district and surrounded by complementary uses. The restaurant's request to serve alcoholic beverages 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. The focus of the operation continues to be food. In this regard, the service of alcoholic beverages is an enhancement to the dining experience. The consumption of alcoholic beverages at the existing restaurant has not proven to be problematic.

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.

Cucina Rustica Restaurant is located within a one-story commercial building as viewed from Honolulu Avenue. The restaurant has been in operation at this location since 2008. The property is fully improved with all necessary utilities. Honolulu Avenue is considered an Urban Collector street serving a multitude of businesses and residential developments. The service of alcoholic beverages at an existing restaurant is not anticipated to generate additional traffic over the existing condition since this is not a change in land use.

REQUIRED ADDITIONAL FINDINGS OF FACT FOR AN AUP FOR ALCOHOL SALES, SERVICE AND CONSUMPTION:

That all the criteria set forth in Section 30.42.030 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 Glendale Police Department noted no 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 a full service restaurant with sales, service, and consumption of alcoholic beverages in this location has or would encourage or intensify crime within the district. Within the last calendar year, there were no calls for service to this location. Similarly, no complaints have been filed by the public concerning this operation.

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 are located nearby, the existing full-service restaurant has not proven to impact those uses. Additionally, the project is conditioned to ensure the function of this restaurant and sale of alcoholic beverages in compliance with all municipal codes and state law. The proposed on-site sales, service and consumption of alcoholic beverages with meals at the existing full-service 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 because adequate access, parking and delivery spaces are available to serve this use.

5) That the proposed use will serve a public necessity or public convenience purpose for the area as evidenced by the demand for full service restaurants with 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 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 alcoholic beverages 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 the premises shall be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.

7. That all signs displayed shall conform to the requirements of the Glendale Municipal Code.

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

9. 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, driveway, or landscaping area.

10. That there shall be no dancing at any time on the premises.

11. That no alcoholic beverages shall be sold to be taken from the premises by patrons for off-site consumption.

12. That no patrons of the restaurant shall be allowed to bring into the establishment any alcoholic beverages that was purchased from outside of the establishment, unless the facility has an established corkage policy allowing and regulating such.

13. That the restaurant shall remain open to the public during business hours.

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

15. That the sales, service, or consumption of alcoholic beverages shall be permitted only between the hours of 10:00 a.m. to 11:00 p.m. daily.

16. That there shall be no video machine(s) maintained on the premises.

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

18. 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.

19. That no exterior signs advertising the service of alcoholic beverages shall be permitted.

20. That the premises shall maintain a bona fide restaurant and shall provide a menu containing an assortment of foods normally offered in such restaurant. Food service shall be available at all times and in all areas of the premises during normal operating hours.

21. That all seating areas shall be provided with all cutlery and condiments with which an eating establishment is customarily equipped.

22. That live entertainment shall be prohibited. No karaoke, no bikini activities or events, no lingerie activities or events, no swimwear activities or events, nor any similar activities or events be allowed where partial clothing or male or female entertainment is provided.

23. That music or noise shall be contained within the edifice of the establishment. The business shall comply with all state and local laws and ordinances concerning excessive noise and disturbing the peace.

24. That there shall be no bar or lounge area upon the premises maintained solely for the purpose of sales, service, or consumption of alcoholic beverages by patrons.

25. That any expansion of the facility in service, amenity, and square footage requires a new administrative use permit.

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

27. That the establishment adheres to the City's Fresh Air (smoking) Ordinance, Title 8 Chapter 8.52 of the Glendale Municipal Code.

28. That authorization granted herein shall be valid for a period of **10 YEARS UNTIL JULY14 , 2024.**

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 (COD) upon request and must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **JULY 29, 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 (COD), 633 East Broadway, Room 103, Monday thru Friday 12:00p.m. to 5 p.m.

APPEAL FORMS available on-line:
http://glendaleca.gov/government/departments/community-development/planning-division/services/how-to-submit-a-planning-application

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. Visit us.

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.

REVOCATION, CONTINUING JURISDICTION

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over variances, administrative use permits, 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 30.4 PROVIDES FOR

Termination: Every right or privilege authorized by an administrative 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 administrative 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 administrative 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. 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.

Should you have any questions regarding this issue, please do not hesitate to contact the case planner, Brad Collin at 818-548-3210 or bcollin@glendaleca.gov .

Sincerely,

Timothy Foy

Timothy Foy
Deputy Director - Planning and Neighborhood Services

TF:BC:sm

CC: City Clerk (K.Cruz); Police Dept. (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 (Roubik 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-Brad Collin.