CITY OF GLENDALE, CALIFORNIA
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division

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October 25, 2013

Alejandra O. Granillo
1232 South Glendale Avenue – Unit "B"
Glendale, CA 91205

RE: 1232 SOUTH GLENDALE AVENUE - UNIT "B"
CONDITIONAL USE PERMIT NO. PCUP 1320065
(Pupuseria El Sabrosito)

Dear Ms. Granillo:

On September 25, 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 continued sales, service, and on-site consumption of alcoholic beverages (beer and wine) at an existing full-service restaurant in the "C1"-Neighborhood Commercial, "R2250"-Medium Density Residential, and a "P"-Parking Overlay zones, located at **1232 South Glendale Avenue- Unit "B",** described as Parcel A, Parcel Map No. GLN 1319A, in the City of Glendale, County of Los Angeles.

APPLICANT'S PROPOSAL
Conditional Use Permit
1) To allow the sales, service and consumption of alcoholic beverages (beer and wine), License, Type 47, at an existing full-service restaurant.

CODE REQUIRES
Conditional Use Permit
1) Approval of a Conditional Use Permit is required for sales, service, and consumption of alcoholic beverages (beer and wine) for full-service restaurants in the "C1" -Neighborhood Commercial 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:

WE RECYCLE

A. 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. The continuation of on-site sales, service and consumption of alcoholic beverages (beer and wine) at an existing full service restaurant will be consistent with the various elements and objectives of the General Plan. The existing full-service restaurant is located in the C1 Zone, where restaurants are allowed and encouraged and on-site sales, service and consumption of alcoholic beverages) beer and wine may be allowed with a conditional use permit consistent with the land use designation of the Land Use Element of the General Plan. The zoning designation is designed to promote service and retail uses for the benefit of the community. A full-service restaurant is one of the intended uses in this zone. Therefore, allowing this existing full service restaurant to continue to offer sales of alcoholic beverages (beer and wine) in addition to food service will be consistent with the 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 proposal is to maintain the full service restaurant with on-site sales, service and consumption of alcoholic beverages (beer and wine). The associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment. The proposed on-site sales, service and consumption of beer and wine will be incidental to the primary restaurant use. Similar full service restaurants with on-site alcohol sales and consumption have proven to be compatible with the surrounding businesses. El Sabrosito is located in census tract 3025.05 which allows for three on-site sale establishments. There are currently four on-site sale licenses in this tract. El Sabrosito is one of the existing four. Based on Part 1 crime statistics for census tract 3025.05 in 2012, there were 45 crimes-25% below the city wide average of 60. Within the last calendar year, there were no calls for police service. Therefore, it is not anticipated that El Sabrosito will have a detrimental effect on the community since no effects have been reported in the past.

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

The proposed continued on-site sales, service and consumption of alcoholic beverages (beer and wine) at the existing full service restaurant will not adversely impact existing facilities, property values, or normal development within the surrounding area. The property is commercially zoned and is intended for various types of retail, service and restaurant uses. It is not anticipated that the full service restaurant will be detrimental to the community

or adversely conflict with the community's normal development. The full service restaurant has been in operation for more than seven (7) years without adverse impacts and the full service restaurant fits in well with the existing surrounding retail and service uses.

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 setbacks, utilities, parking, and landscaping are provided for the existing building and the use. The Conditional Use Permit for the continued sales, service and on-site consumption of alcoholic beverages (beer and wine) is not anticipated to intensify the parking demand since no additional square footage is being added and the existing parking layout is not changing; therefore, it would not increase the need for public or private facilities. This portion of Glendale Avenue is developed with a variety of retail, restaurant and service related businesses and El Sabrosito will continue to complement them. The on-site parking provided, together with conditions attached herein, are sufficient to assure that the facility will continue without negatively impacting on the surrounding area. Furthermore, the site is in a fully developed commercial area with all required utilities, such as gas, electricity, water, sewers, and landscaping already in place.

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

For applications involving the sale, serving or consumption of alcoholic beverages (beer and wine), 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.

El Sabrosito is in an area that is over concentrated with liquor licenses. El Sabrosito is located in census tract 3025.05 which allows for three on-site sale establishments. There are currently four on-site sale licenses in this tract. El Sabrosito is one of the existing four. Based on Part 1 crime statistics for census tract 3025.05 in 2012, there were 45 crimes-25% below the city wide average of 60. Within the last calendar year, there were no calls for police service.

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

The Glendale Police Department noted that the crime rate for Census Tract 3025.05 is below the average Part 1 crimes for the City (45 crimes – 25% below the city-wide average of 60), the Police Department that they believe that if this establishment abides by the conditions set forth it will not contribute to the crime in the area, and will continue to be successful in the community.

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.**

   There are no identified sensitive land-uses (day care facilities, public parks, libraries, or hospitals) in the immediate neighborhood. The full service restaurant will serve food in conjunction with the alcohol sales (beer and wine), service and consumption. The majority of the area surrounding the subject site is developed with similar land uses as the subject project. Residential uses are located to the east of the subject building across the parking lot and along Mariposa Street; however, it is expected that El Sabrosito will continue to operate without incident.

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 on-site sales, service and the consumption of alcoholic beverages at the full service restaurant is not anticipated to intensify traffic circulation or parking demand since the project is the continuation of an existing use. There are 270 on-site parking spaces which provide sufficient parking for the use. Glendale Avenue is identified as a Major Arterial, which adequately handles the existing traffic circulation around the site.

5. **That, notwithstanding consideration of the criteria in subsections 1 through 4 above, the continued sales, service and on-site consumption of beer and wine at a full service restaurant does serve a public convenience for the area.**

   Compatibility of land uses is important to fostering a productive and thriving community. The service of alcoholic beverages at the existing full service restaurant will serve a public convenience because it serves local residents and businesses. Conditions placed on the approval of the project will ensure that it will not adversely impact nearby businesses and 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 applicant substantiating the findings for a Conditional Use Permit for the continued on-site sales, service, and consumption of alcoholic beverages (beer and wine) at an existing full-service restaurant. The conditions attached to the approval will continue to 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 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 access to the premises shall be made available upon request to all City of Glendale authorized staff (i.e. Community Development Department, Fire Department, Police Department, etc.) for the purpose of verifying compliance with all laws and the conditions of this approval.

4. That at all times when the premises are open for business, the service of any alcoholic beverage shall be made only in the areas designated with an ABC license. Consumption of alcoholic beverages will only be on those same licensed areas.

5. That any expansion or modification of the facility or use shall require a new conditional use permit application. Expansion shall constitute adding floor area, increased hours of operation, or any physical change as determined by the Planning Hearing Officer.

6. 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.

7. 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.

8. That the front and back doors of the establishment shall be self closing doors such that noise from the business will not impact the surrounding neighborhood.

9. That the hours of operation shall be limited to **8:00 a.m. to 10 p.m., Sunday through Thursday, and 8:00 a.m. to 1:00 a.m., Friday and Saturday.**

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

11. That a new Zoning Use Certificate shall be obtained and shall reference this conditional use permit.

12. That no exterior signs advertising the sales/service of alcoholic beverages be permitted, banners shall be prohibited, and all signs displayed shall conform to the requirements of the Glendale Municipal Code.

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

14. That all music, lighting, noise and odors shall be confined within the building so as not to disturb occupants of other adjacent businesses or properties, and patrons on the public right-of-way. The Planning Hearing Officer's opinion shall prevail to arbitrate any conflicts.

15. That the facilities shall not be rented, leased or otherwise occupied for purposes not specified in this application.

16. That the full service restaurant shall adhere to the City's Fresh Air (smoking) Ordinance.

17. 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.

18. That the authorization granted herein shall be valid for a period of TEN **(10) YEARS, UNTIL OCTOBER 25, 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 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 **NOVEMBER 12, 2013** 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 Director of Community Development 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,

Kristen Asp
Planning Hearing Officer

BC:sm

CC: City Clerk (K.Cruz); Police Dept. (Lt.S.Bickle/F.Jenks); 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); Dir. 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); Maritz Guardado-representing the applicant; Dept. of Alcoholic Beverage Control; and case planner Bradley Collin.