glendale california

City of Glendale
Community Development
Planning & Neighborhood Services

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July 8, 2016

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

RE: 1134-1136 NORTH PACIFIC AVENUE
ADMINISTRATIVE USE PERMIT CASE NO. PAUP 1605464
(Capri Lounge)

Dear Ms. Williams:

Pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.49, the Director of Community Development **APPROVED WITH CONDITIONS** your application for an Administrative Use Permit to allow the continued on-site sales, service, and consumption of alcoholic beverages at an existing tavern (Capri Lounge) located at **1134-1136 North Pacific Avenue**, in the "C1" – Neighborhood Commercial Zone, described as Portion of Lot 34, Tract No. 726, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

(1) The on-site sales, service, and consumption of alcoholic beverages require an Administrative Use Permit in the "C1" – Neighborhood Commercial Zone.

APPLICANT'S PROPOSAL

(1) Application for an Administrative Use Permit (AUP) to allow the continued on-site sales, service, and consumption of alcoholic beverages at an existing tavern (Capri Lounge).

ENVIRONMENTAL DETERMINATION

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 above analysis by Community Development Department staff, and any comments received from the public with respect to this application, this Administrative Use Permit application is **APPROVED WITH CONDITIONS**, based on the following:

A. That the proposed use will be consistent with the various elements and objectives of the General Plan.

The subject site is located in the C1 (Neighborhood Commercial) Zone and the General Plan Land Use Element designation is Neighborhood Commercial. The Circulation Element designates North Pacific Avenue as a Minor Arterial. This street is a fully improved street serving a multitude of businesses and residential developments. The existing tavern is located in a commercial building alongside other commercial/service type businesses. The sale of alcoholic beverages for on-site consumption at this location is appropriate in an area of the city zoned for both residential and commercial uses and will continue to provide an option for the community to purchase alcoholic beverages for on-site consumption.

The on-site sales, service, and consumption of alcoholic beverages in the C1 (Neighborhood Commercial) zone is subject to approval of an Administrative Use Permit. However, the existing tavern is a permitted use in this zone subject to approval of a Conditional Use Permit. The continued on-site sales, service and consumption of alcoholic beverages at an existing tavern is consistent with the various elements of General Plan for the area. The project site is already developed and the applicant's request is only to continue the on-site sales, service, and consumption of alcoholic beverages at the existing tavern. This application does not include any added floor area or modifications to the existing building; therefore, there will be no increase in the requirement for parking.

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 on-site sales, service, and consumption of alcoholic beverages at an existing tavern will not be detrimental to the health, safety and public welfare of the neighborhood in general. According to the Glendale Police Department, the subject property is located in Census Tract 3012.04 where the suggested limit for on-sale alcohol establishments is four. Currently, there are eight on-sale establishments located in this tract and Capri Lounge is one of the existing eight licenses. Based on Part 1 crime statistics for this Census Tract 3012.04 in 2015, there were 85 crimes, which is below the citywide average of 178 in 2015. Within the last calendar year, there were 38 calls for police service at the location; however, none of the calls were related to the sales and consumption of alcoholic beverages, public drunkenness, or other alcohol-related crimes. Most of the calls were regarding loud noise coming from the location. Conditions have been added to minimize potential noise impacts from the subject facility upon neighboring residential uses

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

The existing tavern is located within a commercial district and surrounded by complementary uses. It is not anticipated that the on-site sales, service, and consumption of alcoholic beverages at the existing facility will be detrimental to the

community or adversely conflict with the community's normal development. Since 1963, the existing tavern has operated without any major reported incident. Their request to allow the on-site sales, service, and consumption of alcoholic beverages has not proven to adversely conflict with surrounding properties.

The subject property is surrounded by other businesses, including retail and service uses with multi-family residential neighborhoods surrounding the commercial uses adjacent to the eastern portion and at the western portion of the property across Pacific Avenue. The on-site sales of alcoholic beverages at the existing tavern will not conflict with the adjacent land uses. Two rear service doors, adjacent to commercial uses will not be used for patron access as conditioned in this AUP approval.

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.

The applicant's request to allow the sale of alcoholic beverages for on-site consumption at an existing tavern will not result in inadequate public or private facilities. The project site is located in a one-story commercial building. The building was built in 1958 in compliance with the zoning code that was in place during that time. The property is fully improved with all necessary utilities. Pacific Avenue identified in the Circulation Element is a fully improved Minor Arterial and can serve a multitude of businesses and residential developments. It can adequately handle the existing traffic circulation adjacent to the site. The on-site sales, service, and consumption of alcoholic beverages at an existing tavern is not anticipated to generate additional traffic. The property is legal nonconforming in terms of use, parking, and landscape. The tavern has been operating at this location since 1963. Currently, there is no on-site parking designated for the subject facility. The existing off-site parking has proven to meet the parking needs of the existing tavern and has not resulted in conflicts with nearby businesses or residential developments. In addition, no expansion of the existing facility is proposed, therefore no additional parking is required.

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 (E) to be considered in making the findings in subsection A. through D. above have all been met and thoroughly considered:

1. That where an existing or proposed on-site use is located in a census tract with more than the recommended maximum concentration of on-site uses or that where an existing or proposed off-site use is located in a census tract with more than the recommended maximum concentration of off-site uses, both as recommended by the California Department of Alcoholic Beverage Control, such use does not or will not tend to intensify or otherwise contribute to the adverse impacts on the surrounding area caused by such over-concentration based on the comments submitted by the City of Glendale Police Department.

The on-site sales, service, and consumption of alcoholic beverages at the existing tavern does not, or will not, tend to encourage or intensify crime within this reporting district as noted in Finding B above.

2. That where the existing or proposed use is located in a crime reporting district with a crime rate which exceeds 20 percent of the city average for Part 1 crimes, as reported by the Glendale Police Department, such use does not or will not tend to encourage or intensify crime within the district. The crime rating within Census Tract 3012.04 does not exceed 20% of citywide average and in fact, is about 50% of this average.

3. That the existing or proposed use does not or will not adversely impact any other uses within the surrounding area (church, public or private school or college, day care facility, public park, library, hospital or residential use). There are a temple, four schools, and three churches within the immediate area of the subject site. While these facilities and uses are within close proximity, the on-site sales, service, and consumption of alcoholic beverages at the existing tavern has not proven to impact surrounding or abovementioned uses since 1963. The existing tavern has served the local clientele for almost 53 years (with various CUPs for the on-site sales, service, and consumption of alcoholic beverages) without adversely affecting or conflicting with adjacent uses.

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. As noted in Findings C and D above, the applicant's request is not anticipated to increase the need for public or private facilities. The on-site sales, service, and consumption of alcoholic beverages at the existing tavern is not anticipated to intensify traffic circulation or parking demand. No changes to the operation of the tavern suggest that an increase of parking is needed. The site is fully developed and the existing use satisfies its transportation or parking needs through off-site parking and delivery spaces.

5. That, notwithstanding consideration of the criteria in subsections 1 through 4 above, alcoholic beverage sales, service and on-site consumption does serve a public convenience for the area. The applicant's request to allow the on-site sales, service and consumption of alcoholic beverages at an existing tavern does serve a public convenience because it serves local residents, businesses, and the surrounding community. Conditions placed on the approval of the project will ensure that it will not adversely impact nearby businesses and residential uses

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, approvals and permits 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 sales/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 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 a California Department of Alcoholic Beverage Control (ABC) license. Consumption of alcoholic beverages will only be on those same licensed areas.

6. That the premises, including the service alley to the rear of the premises, shall be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.

7. That dancing is only allowed on the premises in designated dance floor areas, with a proper "Dance" permit. The dance floor shall not exceed 10 feet by 10 feet in area.

8. That no live entertainment shall be permitted without obtaining a "Live Entertainment Permit". No karaoke, no bikini activities or events, no lingerie activities or events, no swimwear activities or events, nor any similar activities or events where partial clothing of male or female entertainment shall be provided.

9. The hours of operation shall be limited to the hours permitted by the State Department of Alcoholic Beverage Control (ABC).

10. That the sale of alcoholic beverages and/or distilled spirits for consumption off the premises is strictly prohibited.

11. That no patrons of the tavern (Capri Lounge) shall be allowed to bring into the establishment any alcoholic beverages that were purchased from outside of the establishment, unless the facility has an established corkage policy allowing and regulating such.

12. That music or noise shall be contained within the edifice of the establishment. The tavern (Capri Lounge) shall install equipment in a manner that minimizes noise impacts to neighboring uses and complies with all state and local laws and ordinances concerning excessive noise and disturbing the peace.

13. That there shall be no video machine maintained upon the premises.

14. That the Manager and or Staff shall be proactive in the enforcement of the City of Glendale Clean Air (smoking) Ordinance, Title 15, Chapter 8.52 of the Glendale Municipal Code.

15. That the tavern (Capri Lounge) shall remain open to the public during business hours.

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

17. That no exterior signs advertising the sales/service of alcoholic beverages shall be permitted.

18. That any expansion of the facility or use which intensifies the existing business shall require a Conditional Use Permit. Expansion shall constitute adding floor area, increased hours of operation, changes to the use or operation, or any physical change as determined by the Director of Community Development.

19. 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.

20. That the service entrances at the rear of the premises be suitably restricted to preclude patron access.

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

22. That the tavern provides training for its personnel regarding prohibiting sales to minors or intoxicated persons. Alcohol Beverage Control staff is available and can provide for this training.

23. That signs be posted clearly specifying no sales to minors or intoxicated persons.

24. That appropriate lighting for the display areas where alcoholic beverages would be sold shall be required.

25. 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.

26. That signs indicating no loitering or trespassing shall be posted.

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

28. That adequate means be provided for the collection of solid waste generated at the site and that all recyclable items be collected and properly disposed of to the satisfaction of the Integrated Waste Management Division of the City of Glendale.

29. That authorization granted herein shall be valid for a period of **10 YEARS UNTIL JULY 8, 2026.**

APPEAL PERIOD

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 City Council 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 **July 25, 2016** 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 5:00 p.m.

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

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 30.41 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.

Cessation

An Administrative Use Permit may be terminated by the review authority upon any interruption or cessation of the use permitted by the Administrative Use Permit for one year or more in the continuous exercise in good faith of such right and privilege.

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, Aileen Babakhani at (818) 937-8331 or ababakhani@glendaleca.gov.

Sincerely,
Phil Lanzafame
Director of Community Development

Laura Stotler

Laura Stotler
Planning Hearing Officer

PL:LS:AB:CB: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-(J.Halpert); Traffic & Transportation 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. (T. Aleksanian); Neighborhood Services Division (S. Mirzaians); Integrated Waste Management Admin. (D. Hartwell); Maintenance Services Section Admin. (D. Hardgrove); Street and Field Services Admin.; Engineering and Environmental Management (C.Chew/R. Villaluna); Peter Yum and Irene Martinez-Ceballos; and case planner – Aileen Babakhani