glendale california

City of Glendale
Community Development
Planning & Neighborhood Services

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October 6, 2016

Manuel Mier
2901 ½ Honolulu Avenue
Glendale, CA 91214

RE: 2901 ½ HONOLULU AVENUE
ADMINISTRATIVE USE PERMIT CASE NO. PAUP1611958
(El Sol Restaurant)

Dear Mr. Mier:

Pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.49, the Community Development Department processed your application for Administrative Use Permit No. PAUP1611958 to allow the continued on-site sales, service, and consumption of alcoholic beverages at an existing full service restaurant (El Sol Restaurant) located at **2901 ½ Honolulu Avenue**, in the "C1" – (Neighborhood Commercial) Zone, described as Lots 19, 20, 21 and Portions of Lots 18, 22-28, a Portion of vacated Glenwood Avenue, Tract No 6067 and a Portion of Lot 14, Block E, Crescenta Canada Tract, in the City of Glendale, in the County of Los Angeles.

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

APPLICANT'S PROPOSAL
(1) Application for an Administrative Use Permit to allow the continued on-site sales, service, and consumption of alcoholic beverages at an existing full service restaurant (El Sol Restaurant).

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, the Director of Community Development has **APPROVED WITH CONDITIONS** your Administrative Use Permit application 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 Honolulu Avenue as a Minor Arterial street. This street is fully improved serving a multitude of businesses and residential developments. It can adequately handle the existing traffic circulation around the site. The existing full-service restaurant is located in a commercial building alongside other commercial/service type businesses. The project site is surrounded by commercially zoned properties and residential uses to the north of the subject property across an alley. The applicant's request to continue to serve alcoholic beverages with meals is not anticipated to create any negative traffic-related impacts on Honolulu Avenue and surrounding uses over and above the existing conditions. The continued on-site sales, service and consumption of alcoholic beverages at this location is appropriate in an area of the city zoned for both residential and commercial uses and will provide an option for the dining public to enjoy alcoholic beverages with their meals.

The continued on-site sales, service, and consumption of alcoholic beverages at the existing full-service restaurant is a permitted use in the C1 (Neighborhood Commercial) zone subject to approval of an Administrative Use Permit. The continued on-site sales, service and consumption of alcoholic beverages at the existing full-service restaurant 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 full-service restaurant. The existing restaurant is surrounded by other complementary businesses, including retail and service uses. Residential uses are located across an alley on the north side, which is zoned for single-family development. The recommended conditions of approval will serve to mitigate any potential impacts on surrounding properties and their uses. No additions to the business are being proposed; therefore, other elements of the General Plan, including Open Space, Recreation, Housing, and Noise Elements, will not be impacted as a result of the applicant's request. 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 continued on-site sales, service, and consumption of alcoholic beverages at an existing full-service restaurant will not be detrimental to the health, safety and public welfare of the neighborhood. According to the Glendale Police Department, the subject property is located in Census Tract 3006 where the suggested limit for on-sale alcohol establishments is seven. Currently, there are 31 on-sale licenses in this tract and El Sol Mexican Restaurant is one of the existing 31 licenses. Based on Part 1 crime statistics for this Census Tract 3006 in 2015, there were 215 crimes, 20% above the citywide average of 178 in 2015. Within the last calendar year, there were no calls for police service at the location. The Glendale Police Department did not cite any major concerns related to the continued on-site sales, service, and consumption of alcoholic beverages at the existing restaurant. Conditions are proposed to ensure that the restaurant use will not be detrimental to the public health or safety, or the environment.

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 full-service restaurant is located within a commercial district and surrounded by complementary uses, including retail and service uses. As noted above, there are no residential uses immediately adjacent to the subject site. Residential uses (single-family) are located on the north side of the subject site across an alley. It is not anticipated that the continued on-site sales, service, and consumption of alcoholic beverages with meals at the

existing full-service restaurant will be detrimental to the community or adversely conflict with the community's normal development. The restaurant, "El Sol Restaurant" has operated at this location since 1982, and has had a Conditional Use Permit to serve alcohol for on-site consumption since 2003. The applicant's request to allow the continued on-site sales, service and consumption of alcoholic beverages with meals is not anticipated to adversely conflict with surrounding properties as it will be ancillary to the primary use. Similar uses exist in the area and within the community, which have not proven to adversely affect or conflict with adjacent uses. There is a preschool and a church 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 full-service restaurant has not proven to impact surrounding or abovementioned uses. The recommended conditions of approval will serve to mitigate any potential impacts on the surrounding properties.

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 continued on-site sales, service, and consumption of alcoholic beverages at the full-service restaurant will not result in inadequate public or private facilities. The project site is already developed and associated facilities are existing. The project site is located in a one-story commercial building. The building was built in 1962 in compliance with the zoning code that was in place during that time. The property is fully improved with all necessary utilities. Honolulu Avenue is identified in the Circulation Element as a fully improved Minor Arterial street 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 full-service restaurant is not anticipated to generate additional traffic. Currently, there are 99 parking spaces for the seven- tenant building. The existing on-site parking has proven to meet the parking needs of the existing full-service restaurant 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 continued on-site sales, service, and consumption of alcoholic beverages at the existing full-service restaurant 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. As noted in Finding B above, the crime rate in Census Tract 3006 is 20% above the citywide average for Part 1 crimes and the use will not tend to encourage or intensify crime within the district.

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). As noted in Finding C above, there are a church and a preschool facility within the immediate area of the subject site. As noted in Finding A, no residential uses abut the subject property or site. The residential uses (zoned single-family) located on the north side of the subject property along an alley separating the residential uses from the subject site. Recommended conditions of approval will serve to mitigate any potential negative impacts on these surrounding residential uses, or the existing church and preschool.

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 continued on-site sale, service, and consumption of alcoholic beverages at the existing full-service restaurant is not anticipated to intensify traffic circulation or parking demand. No changes to the operation of the full-service restaurant or building suggest that an increase of parking is needed. The site is fully developed and adequate parking are currently provided.

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 continued on-site sales, service and consumption of alcoholic beverages at an existing full-service restaurant does serve a public convenience because it serves local residents, businesses, and the surrounding community. Proposed 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 premises shall be maintained as 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.

5. 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.

6. 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 (ABC).

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

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

9. 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

10. 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.

11. That any expansion or modification of the facility or use which intensifies the existing business shall require a new Administrative 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 Director of Community Development.

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

13. That no patrons of the restaurant 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.

14. That at all times when the premises are open for business, the service of alcoholic beverages shall be made only in the areas as designated with the ABC license.

15. That the restaurant shall remain open to the public during business hours. If the establishment has a private party during normal business hours, the restaurant still needs to remain open for business to regular customers.

16. 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.

17. That the sales, service, and consumption of alcoholic beverages shall be permitted only between the hours of 11:00 a.m. to 10:00 p.m. each day of the week.

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

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

20. That the parking area shall be kept adequately illuminated for security purposes during all hours of darkness. Lighting fixtures shall be installed and maintained in the parking area in those areas where street lights do not effectively illuminate the premises. No lighting shall be installed or maintained which shines or reflects onto adjacent properties.

21. 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

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

23. That all necessary building permits and licenses be obtained in order to comply with the open Code Compliance Case No. NTBCLIC100438.

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

25. That no live entertainment is permitted without 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 be allowed where partial clothing of male or female entertainment is provided.

26. That authorization granted herein shall be valid for a period of **10 YEARS UNTIL *OCTOBER 6, 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 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 **October 21, 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

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 an administrative 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

Vilia Zemaitaitis
Planning Hearing Officer

PL:VZ: CB:AB: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); and case planner – Aileen Babakhani