



CITY OF GLENDALE, CALIFORNIA
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division

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July 19, 2012

Alfred Teichert
2520 Countryside Lane
La Crescenta, CA 91214

**RE: 2833 HONOLULU AVENUE
CONDITIONAL USE PERMIT NO. PCUP 2011-031
(Proposed "Chandelier Restaurant")**

(also see: Administrative Exception Case No. PAE 2011-023)

Dear Mr. Teichert:

The Planning Commission of the City of Glendale, at its meeting held on July 18, 2012, conducted a public hearing on Conditional Use Permit No. PCUP 2011-031, and the Planning Commission **APPROVED WITH CONDITIONS** an appeal of a denied Conditional Use Permit application (PCUP 2011-031) for the sale, service and consumption of alcoholic beverages at a restaurant located at **2833 Honolulu Avenue** (proposed "Chandelier Restaurant"), within a shopping center addressed as 2831-2839 Honolulu Avenue, in the "C1" Neighborhood Commercial Zone, described as Lots 12-17 and the East 5 Feet of Lot 18, Tract No. 6067, in the City of Glendale, County of Los Angeles.

APPLICANT'S PROPOSAL

- (1) To permit the sale, service and consumption of alcoholic beverages at a restaurant in the "C1" zone.

CODE REQUIRES

- (1) A Conditional Use Permit is required for the sales, service and consumption of alcoholic beverages in the "C1" Neighborhood Commercial Zone (GMC 30.12.020.B).

ENVIRONMENTAL REVIEW: This project is categorically exempt.

A motion adopted by the Planning Commission is attached.

APPEAL PERIOD (effective date), TIME LIMIT, LAPSE OF PRIVILEGES, TIME EXTENSION

The applicant's attention is called to the fact that this approval 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 2.88, 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 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 **AUGUST 2, 2012**, 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.

REVOCACTION

Section 30.64.020 of the Glendale Municipal Code, 1995, provides for the Director of Community Development Department 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 and/or Hearing Officer who acted on this case. 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 me.

Sincerely,



Vilia Zemaitytis
Senior Planner

VZ:sm

cc: City Clerk; City Attorney's Dept. (C.Sansone/G.van Muyden); Fire Prevention Engineering Section (D.Nickles); Community Planning Dept. (P.Lanzafame/H.Malis); City Engineer; Dir. of Public Works Dept.; Water Section (R.Takidin); Electric Section (M.Kelley); Dir. of Parks, Recreation & Community Services Dept. (M.Stirdivant);

Neighborhood Services Admin. (J.Brownell); Integrated Waste Management Admin. (D.Hartwell); Maintenance Services Section Admin. (D.Hardgrove); Street & Field Services Admin.; Environmental Management (M.Oillataguerra); Traffic & Transportation Admin. (T.Mitchell); Information Services Admin., Sev Nazarian - business operator; Kevin Howe; Mr. & Mrs. Kenagy; Benjamin Oseguera; Sharon and Robert Thompson; and case planner – Vilia Zemaitaitis.

MOTION

Moved by Planning Commissioner Lee, seconded by Planning Commissioner Yeseyan, that upon review and consideration of all materials and exhibits of current record relative to Conditional Use Permit Case No. PCUP 2011-031, located at 2833 Honolulu Avenue, and after having conducted an appeal hearing on said matter, that the Planning Commission hereby **overturns** the Planning Hearing Officer's decision and **APPROVES** said Conditional Use Permit Case No. PCUP 2011-031 in accord with the findings and conditions set forth below:

REQUIRED/MANDATED FINDINGS

Pursuant to Section 30.42 of the Glendale Municipal Code, a Conditional Use Permit may be granted by the reviewing authority only if the following findings of fact can be made:

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

The proposed restaurant with ancillary alcohol beverage sale, service and consumption is consistent with the General Plan. The site is located in the General Plan's Neighborhood Commercial Land Use area, and is zoned "C1" – Neighborhood Commercial. Service and consumption of alcoholic beverages at a full-service restaurant is consistent with the intent of this land use designation and zoning district. The "C1" zone is intended as a zone for small shopping centers, professional buildings, service centers and other commercial activities providing convenience goods and services to the surrounding residential neighborhood in conformance with the intentions of the Neighborhood Commercial Land Use designation; the proposed restaurant with alcoholic beverage service meets is consistent with such intentions. The Noise Element discusses land use conflicts related to noise. Conditions of approval will mitigate noise and nuisance concerns to be consistent with the Noise Element. The project site is not identified as parkland by the Recreation Element. The development features no housing component that would be addressed by the Housing Element, and the restaurant has been constructed and will be expanded per all applicable Building & Fire Code standards that address any seismic, geological, and fire hazards identified in the Safety Element. Therefore, the project and its associated uses area are consistent with the elements and objectives of the City's 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 proposed restaurant with alcohol beverage sales, service and consumption is not anticipated to be detrimental to the public health or safety, the general welfare, or the environment. According to the Police Department, the property is

located in a census tract where the recommended limit is for seven on-sale establishments. Currently there are 29 on-sale ABC licenses in this tract. The previous ABC license was one of the 29 licenses. Based on Part 1 crime statistics for this census tract in 2010, there were 112 crimes, 44% above the city wide average of 78. While there is a high crime rate in this area, according to the Police Department, most crimes are related to theft in local retail stores in the area. The Police Department has recommended specific conditions that have been included in this approval. A full-service restaurant with alcohol sales, as conditioned, is not anticipated to increase the need for police activity.

No public facilities are located in the immediate area. The closest public facilities are Crescenta Valley Park (1.5 miles away), Montrose Community Park, (1.3 miles away), Montrose-Crescenta Library (0.6 miles), Fire Station No. 29 (0.6 miles away), Sparr Heights Senior Center (1.0 miles away), and John C. Fremont Elementary School (1.1 miles away). In addition, there is a preschool located across the street to the west and the closest churches are 0.6 miles. As previously stated, a restaurant with alcohol sales, service has been in existence at the subject location since the mid-1960s. The proposal to permit the on-site consumption of alcoholic beverages in conjunction with food service at the proposed new restaurant will not be detrimental to the public health or safety, the general welfare, or the environment, as conditioned.

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

The use and facilities will not adversely affect or impede the normal development of surrounding property. A restaurant serving alcohol has been in operation at this location since the mid-1960s; the restaurant is located within a small shopping center located on Honolulu Avenue in an area featuring a number of smaller scale shopping centers, neighborhood commercial uses and larger multi-family developments. Specific conditions have been included in this approval to address any issues regarding noise, loitering, and lighting that would result in possibly negative impacts to the surrounding businesses and neighborhood. Therefore, it is not expected that the operation of a new full-service restaurant with ancillary on-site sale, service and consumption of alcoholic beverages would adversely impact the surrounding neighborhood.

D. That adequate public and private facilities, such as utilities, landscaping, parking spaces and traffic circulation measures are not provided for the proposed use.

Adequate public and private facilities such as utilities, landscaping, traffic circulation and parking are provided for the proposed use. The restaurant was first constructed in 1953 and has operated with alcohol sales for almost fifty years (with the exception of the last few years when the restaurant was closed). All utilities are in place and the shopping center in which the restaurant is located has 26 on-site parking spaces (legal nonconforming in regards to the number of spaces). The site on which the restaurant is proposed is considered legal, non-conforming as it relates to the minimum number of parking spaces.

The intent of parking standards in the zoning code is to ensure that convenient parking is available for customers and that overflow parking will not unduly impact nearby areas. Section 30.32.030.F. requires that the review authority consider not whether Code requirements for parking spaces are met, but whether adequate parking is provided. As noted above, while the proposed 438 expansion will result in a three space parking deficiency, the proposal for the additional bathrooms is not expected to significantly impact the existing on-site parking situation. Further, the existing on-site parking spaces have been serving the shopping center for over fifty years and until the prior restaurant/banquet establishment, the parking appeared adequate for the center's parking demand. As proposed, the new restaurant use provides adequate parking facilities to satisfy the parking needs of the proposed use.

- E. That all the criteria set forth in Section 30.32.030 (F) to be considered in making the findings in subsection A. through D. above have been met and thoroughly considered.**
1. That such use does not or will not tend to intensify or otherwise contribute to the adverse impacts on the surrounding area caused by over concentration as described above in finding B.
 2. That such use does not or will not tend to encourage or intensify crime within the district as described above in finding B.
 3. That such use does not or will not adversely impact any other uses within the surrounding area (church, public or private schools or college, day car facility, public park, library, hospital or residential use) as described above in findings B and C.
 4. That the proposed use does satisfy its transportation or parking needs as described above in finding D.
 5. That the proposed use does or will serve a public necessity or public convenience purpose for the area as evidenced by the operation of this restaurant with alcoholic beverage on sale, consumption and service as described above in finding A.

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 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 service of alcoholic beverages shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control. The appropriate ABC license (Type 47) allowing distilled spirits at an eating place must be obtained and maintained in good standing at all times.
- 5) That sale of alcoholic beverages at the restaurant shall be incidental to the selling of food to be consumed on the premises. The sale of alcoholic beverages for consumption off the premises is strictly prohibited.
- 6) That no patron be allowed to bring into the restaurant any alcoholic beverage unless the alcoholic beverage was purchased within the restaurant, unless the facility has an established corkage policy allowing and regulating such.
- 7) That the sales, service or consumption of alcoholic beverages shall be permitted only between the hours of 11:00 a.m. to 11:00 p.m. Sunday through Thursday nights, and 11:00 a.m. to 1:00 a.m. Friday and Saturday nights.
- 8) Those premises may *not* be utilized for banquets, private parties, or other private events, unless the private function occupies *less than 30 percent* of the square footage of the serving area. The facilities shall not be rented, leased or otherwise occupied for purposes not specified in this application. The restaurant shall remain open to the public during business hours.
- 9) That no outdoor dining or seating will be allowed.
- 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 sufficient measures shall be enforced by the property owner and business operator to effectively eliminate interior and exterior loitering, parking congestion, disturbing noise, disturbing light, loud conversation and criminal activities.
- 12) 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. The business establishment will be responsible to prevent the loitering of patrons in the areas where patrons park.
- 13) That noise shall be contained to the interior of the premises, such that persons of normal sensitivity off-site are not disturbed. No speaker systems shall be installed outside or in the parking area and no music shall allowed in the outdoor areas. The Planning Hearing Officer's opinion shall prevail to arbitrate any conflicts.
- 14) That any proposed exterior lighting shall be directed on the driveways, walkways, and parking areas within the development and away from adjacent properties and the public right-of-way to the satisfaction of the Planning Hearing Officer.

- 15) 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.
- 16) That the premises shall be maintained in a clean and orderly condition, free of weeds, trash and graffiti.
- 17) That the proposed full-service restaurant adhere to the City's Fresh Air (smoking) Ordinance, Title 15, Chapter 8.52 of the Glendale Municipal Code.
- 18) 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 Administrator of the City of Glendale. No trash containers shall be stored in any parking, driveway, or landscaping area.
- 19) That all signs displayed shall conform to the requirements of the Glendale Municipal Code.
- 20) That no exterior signs advertising the sales/service of alcoholic beverages be permitted.
- 21) That access to the premises shall be made available upon request to all City of Glendale authorized staff (i.e. Planning Division, 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.
- 22) That evidence of a State-approved license issued by the Alcoholic Beverage Control (ABC) shall be presented to the Permit Services Center upon application for a Zoning Use Certificate (ZUC).
- 23) That the remaining 794 square feet of the 1,210 square-foot expansion approved in 2005 will be converted back to an office tenant space and that all necessary permits (tenant improvement permit, ZUC, etc) shall be obtained for this space.
- 24) 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 and concurrence with the Director of Community Development.
- 25) That the authorization granted herein shall be operative and valid following the recordation of a five year reciprocal access easement for reciprocal use of the common driveway and back-up spaces between the applicant's property and the adjacent property, immediately to the west.

The reciprocal access easement (REA) shall be reviewed and approved as to form by the City Attorney for conformance with the conditions of the CUP prior to its recordation at the LA County Recorder's Office. If after five years the applicant seeks a CUP renewal, the applicant or its successor in interest shall extend the REA on the same terms and conditions for an additional five years and record same with the LA County Recorder.

The applicant shall provide proof of recordation to the Community Development Director and shall notify the City in the event of any modification or removal of the REA.

VOTE

Ayes: Astorian, Lee, Scheetz, Yesayan, Landregan
Noes: None
Abstain: None
Absent: None