CITY OF GLENDALE, CALIFORNIA
Community Development
Planning

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glendaleca.gov

June 3, 2020

Ani Mnatsakanian
409 Irving Drive
Burbank, CA 91504

RE: 1714 VICTORY BOULEVARD
ADMINISTRATIVE USE PERMIT NO. PAUP 1923359
(Kalinka Russian Cuisine)

Dear Ms. Mnatsakanian:

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 on-site sales, service and consumption of alcoholic beverages (expansion from beer and wine to full alcohol) at an existing full-service restaurant, located at **1714 Victory Boulevard,** in the "C3" – Commercial Service Zone, described as Lots 1 through 4, Block 1 of Tract No. 10116, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

(1) The on-site sales, service, and consumption of a full line of alcoholic beverages requires an Administrative Use Permit in the C3 – Commercial Service Zone.

APPLICANT'S PROPOSAL

(1) To allow the on-site sales, service, and consumption of a full line of alcoholic beverages at an existing full service restaurant.

ENVIRONMENTAL DETERMINATION

The project is exempt from CEQA review as a Class 1 "Existing Facilities" exemption pursuant to State CEQA Guidelines Section 15301 because this application is for an existing full-service restaurant requesting to sell a full line of alcohol beverages for on-site sales, service and consumption. No added floor area is proposed.

After considering the evidence presented with respect to this application, the Director of Community Development has **APPROVED WITH CONDITIONS** your request based on the following findings:

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 based on the following:

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

The proposed expansion of sales, service, and consumption of alcoholic beverages from beer and wine to general alcohol at the existing full-service restaurant will remain consistent with the various elements and objectives of the general plan. The subject site is located in the Community Services land use designation, which is designed to provide community services to the adjacent neighborhoods and the city at large. The site is zoned C3 (Commercial Service) Zone, in which full-service restaurants are permitted. The on-site sales, service, and consumption of a full line of alcoholic beverages is intended to supplement the full-service restaurant and not change the existing nature of the business.

The Circulation Element classifies Victory Boulevard as a Minor Arterial with neighborhood, community and regional commercial as types of predominate use characteristics of frontage property. Providing such services along a minor thoroughfare that is conveniently located is in keeping with the city's policies to reduce automobile trips and encourage walkability. Other elements of the General Plan, including Open Space, Recreation, Housing, and Noise, 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. As such, there will be no increase in required parking for the use. Adequate utilities, landscaping, and traffic circulation measures are already provided.

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 restaurant use and its associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment. It is anticipated that the on-site sale of a full line of alcoholic beverages at Kalinka Russian Cuisine will not have a detrimental effect on the community or adversely conflict with the community's normal development. The existing full-service restaurant is located in a 1,714 square-foot commercial tenant space, addressed as 1714 Victory Boulevard, within a shopping center. The subject tenant space is one of eight tenant spaces within this commercial center, located on the northwest corner of Victory Boulevard and Western Avenue. The immediate vicinity of the subject site along Victory Boulevard is developed with a variety of commercial uses that includes retail, office, and restaurant uses. The properties to the south and west are single-family homes, to the north (across S. Victory Blvd.) is an office building, and to the east (diagonally across the street from the subject property) is a gas station. A full-service restaurant has operated at within this tenant space since 1971, and serving beer and wine since 1970 with a series of approved CUPs, without adverse

impacts to the neighborhood. The expanded sales, service, and consumption of alcoholic beverages from beer and wine only to general alcohol is intended to enhance the dining experience and the use of the building, parking, and customer service hours will continue in the same manner. The Glendale Police Department (GPD) noted that there were no calls for service for this establishment in the last calendar year.

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

It is not anticipated that the applicant's request to allow the sales, service and consumption of a full line of alcoholic beverages at an existing full-service restaurant (which is currently selling beer and wine) will adversely affect or conflict with adjacent uses or impede with the community's normal development. A restaurant has operated at this location without any major incident in the past. The restaurant will be open seven days a week. The restaurant's hours of operation are from 11:00 a.m. to 10:00 p.m. Sunday through Thursday and 11:00 a.m. to 11:00 p.m. Friday and Saturday. With the attached conditions of approval, the request to allow the sales, service and consumption of a full line of alcoholic beverages at an existing full-service restaurant for on-site consumption is not anticipated to adversely conflict with surrounding properties.

There is one public facility within the immediate area of the subject site, Benjamin Franklin Elementary School, located at 1610 Lake Street (about 0.3 miles east). While this public facility is located nearby, the applicant's request will not impede the operation of or conflict with such uses. The low-intensity nature of the on-site consumption of alcoholic beverages would not negatively impact this facility in the way that other establishments like a tavern, bar, or nightclub would. The sales, service, and consumption of a full line of alcoholic beverages should not impact the residential uses in the vicinity due to the residential uses being situated such that they are located on a separate block, divided by the existing alley, and do not immediately face the subject tenant space; the orientation of the L-shaped shopping center with its solid building wall along the rear helps to contain the on-site activity towards Victory Boulevard. Furthermore, the Police Department has not received any complaints caused by the subject restaurant due to the service of beer and wine within the last year.

The Circulation Element identifies Victory Boulevard as minor arterial street that is fully developed and can adequately handle the existing traffic circulation around the site. Raymond Avenue and Western Avenue both serve the adjacent residential neighborhoods in the area and where the subject site is located. The applicant's request to allow the sales, service and consumption of a full line of alcoholic beverages at the existing full service restaurant for on-site consumption is not anticipated to create any negative traffic-related impacts on Victory Boulevard over and above the existing conditions.

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.

Adequate public and private facilities such as utilities, landscaping, parking spaces, and traffic circulation measures are provided for the proposed use. The applicant is proposing to operate the full-service restaurant in the existing manner; therefore, it is not anticipated there will be an increase in demand for public or private facilities. The site is legal non-conforming as to the number of on-site parking spaces; however, the 35 parking spaces have proven to be adequate for the restaurant and other businesses in the commercial center. No floor area will be added, so the need for additional parking spaces is not required. Victory Boulevard is identified as a Minor Arterial which can adequately handle the existing traffic circulation around the site. The on-site sales, service, and consumption of a full line of alcoholic beverages is not anticipated to intensify traffic circulation or parking demand, as it is ancillary to the primary restaurant use.

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 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 as noted in Finding B above.

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 the sales, service, and consumption of a full line of alcoholic in this location has or would encourage or intensify crime within the district as noted in Finding B above.

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). As noted in Finding C above, there is one public facility within the immediate area of the subject site, Benjamin Franklin Elementary School, located at 1610 Lake Street (approximately 0.3 miles east). While this public institution is located nearby, the low-intensity nature of the on-site consumption of alcoholic beverages would not negatively impact these facilities in the way that other establishments like a tavern, bar, or nightclub would. Additionally, the project is conditioned to ensure the function of this full-service restaurant is in compliance with all municipal codes and state law. The on-site sales, service and consumption of a full line of alcoholic beverages is not anticipated to adversely impact other neighboring uses in this area.

4) That the proposed use satisfies its transportation or parking needs as

describe in Finding D above because adequate access and parking are available to serve this use.

5) That notwithstanding consideration in subsections 1) through 4) above, the operation of a full-service restaurant with the sales, service and consumption of a full line of alcoholic beverages for on-site consumption does serve a public convenience for the area because it serves local residents, businesses, and the surrounding community as evidenced by a full-service restaurant at this location for the past 49 years. Conditions placed on the approval of the project will ensure that it will not adversely impact nearby businesses and residential uses.

CONDITIONS OF 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 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 Alcoholic Beverage Control (ABC) license. Consumption of alcoholic beverages will only be on those same licensed areas.

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

6. That the restaurant shall not operate as a banquet hall. A full service restaurant may not have greater than 30% of service area available for private party rental where access by the general public is restricted provided that all events comply with the provisions of the applicant's Alcoholic Beverage Control license, and provided they have appropriate Conditional Use Permits and Use Variances if required.

7. That the sales, service or consumption of alcoholic beverages shall be permitted only between the hours of 11:00 a.m. to 10:00 p.m. Sunday through Thursday, and 11:00 a.m. to 11:00 p.m. Friday and Saturday.

8. 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.

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

11. That there shall be no video machine(s) maintained upon the premises.

12. 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.

13. 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.

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

15. That the establishment (restaurant) that primarily provides for the on-premises sale, serving and consumption of alcoholic beverages and that derives more than fifty (50) percent of gross revenues from the sale of alcoholic beverages is by definition of the code a "tavern" and requires approval of a separate Conditional Use Permit. Taverns include bars, pubs, cocktail lounges and similar establishments.

16. That the sale of alcohol for consumption off the premises is strictly prohibited.

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

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

19. That access to the premises shall be made available to all City of Glendale Planning and Neighborhood Services Divisions, Police Department, and Fire

Department staff upon request for the purpose of verifying compliance with all laws and conditions of this approval.

20. 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.

RESPONSED TO COMMUNITY INPUT RECEIVED DURING COMMENT PERIOD

During the public comment period, staff received one email in opposition to the expansion to alcoholic beverage sales, service and consumption from beer and wine only to general alcohol, in light of possible negative impacts to the adjacent residential neighborhood and given the proximity of the restaurant with "hard liquor" to the nearby elementary school.

A full-service restaurant has operated at within this tenant space since 1971, and serving beer and wine since 1970 with a series of approved CUPs, without adverse impacts to the neighborhood. The sales, service, and consumption of a full line of alcoholic beverages should not impact the residential uses in the vicinity due to the residential uses being situated such that they are located on a separate block, divided by the existing alley, and do not immediately face the subject tenant space; the orientation of the L-shaped shopping center with its solid building wall along the rear helps to contain the on-site commercial activity towards Victory Boulevard. As also noted in the Finding C above, the closest public school is approximately 0.3 miles away (Benjamin Franklin Elementary School at 1610 Lake Street). While this public institution is located nearby, the low-intensity nature of the on-site consumption of alcoholic beverages would not negatively impact these facilities in the way that other establishments like a tavern, bar, or nightclub would. Additionally, the project is conditioned to ensure the function of this full-service restaurant is in compliance with all municipal codes and state law. Therefore, the on-site sales, service and consumption of a full line of alcoholic beverages is not anticipated to adversely impact other neighboring uses in this area.

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 State agencies.

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 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 **JUNE 18, 2020.**

Any appeal must be filed on the prescribed forms within fifteen (15) days following the actual date of the decision. Information regarding appeals, appeal forms and fees will be provided by the Community Development Department (CDD) staff upon request by calling 818-548-2140.

Due to the current COVID-19 social distancing and work from home orders issued by federal, state and local governmental agencies, in order for any appeal to be considered timely, **the appeal must be postmarked by the JUNE 18, 2020 deadline (mailed to Community Development Department – Planning Division, Attention Danny Manasserian, 633 East Broadway, Room 103, Glendale, CA 91206) OR emailed to the case planner (Danny Manasserian at dmanasserian@glendaleca.gov) prior to the close of said business day**. The prescribed fee must be included along with the appeal application and may be submitted either in the form of a check or credit card payment. For credit card payment, please contact the case planner to make arrangements with the cashier. *Note:* The standard 2.5% fee for credit card payment applies.

APPEAL FORMS available on-line
https://www.glendaleca.gov/home/showdocument?id=11926.

If you have any questions, please do not hesitate to call the case planner, Danny Manasserian at (818) 937-8159. (email: dmanasserian@glendaleca.gov).

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 Administrative Use Permits. 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 conditional 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, Danny Manasserian at (818) 937-8159 or dmanasserian@glendaleca.gov.

Sincerely,

Philip Lanzafame
Director of Community Development

Vilia Zemaitaitis

Vilia Zemaitaitis, AICP, Principal Planner
Planning Hearing Officer

VZ:DM:sm

CC: City Clerk (K.Cruz); Police Dept. (A.Jenks/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(J.Halpert); Traffic & Transportation Section (P.Casanova); General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (G. Tom/S. Boghosian/R.Takidin); Glendale Water & Power--Electric Section (B. B.Ortiz/E.Olsen/ M.Navareete/M.Kouassi); Parks, Recreation and Community Services Dept. (T. Aleksanian); Neighborhood Services Division (R.Sada/J.Jouharian/); 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 – Danny Manasserian.