



August 12, 2014

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

**RE: 2418 HONOLULU AVENUE, UNIT A
ADMINISTRATIVE USE PERMIT NO. PAUP 1410752
(Thee Elbow Room)**

Dear Ms. Williams:

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 on-site sales, service, and consumption of beer at a fast food restaurant, located at **2418 Honolulu Avenue – Unit ‘A’**, in the “CR” - Commercial Retail Zone, described as Portion of Lot 307, Tract No. 1701, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

- (1) On-site sale, service and consumption of beer requires an administrative use permit in the Commercial Retail Zone.
- (2) A fast food restaurant requires an administrative use permit in the Commercial Retail Zone.

APPLICANT'S PROPOSAL

- (1) An administrative use permit to allow on-site sales, service and consumption of beer at an existing fast food restaurant.

ENVIRONMENTAL RECOMMENDATION: The project is exempt from CEQA review as a Class 3 exemption pursuant to State CEQA Guidelines Section 15303.

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

REQUIRED FINDINGS

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

The proposed use will be consistent with the various elements and objectives of the general plan and North Glendale Community Plan. General Plan elements provide citywide policy direction, with the local Community Plans providing specific neighborhood description and design guidelines. The service of alcoholic beverages at this sandwich shop/fast food restaurant is a commercial use, which is consistent with the goals and objectives of the General Plan and the North Glendale Community Plan. Thee Elbow Room is located in the Commercial Retail (CR) Zone, which is intended to accommodate retail shopping and convenience services in the Montrose Shopping Park in conformance with the comprehensive general plan. Montrose Shopping Park provides pedestrian-friendly, destination shopping and dining supported by public parking lots, wide sidewalks and shade trees and draws customers from regions beyond the Crescenta Valley. Alcoholic beverage sales are a recognized service associated with food establishments. In addition, continuation of this service would be in keeping with the goal of the North Glendale Community Plan to preserve the existing independent, small businesses. A delicatessen/fast food restaurant has served the local client base for over 35 years, operating legally and without incident since 1979.

The Circulation Element identifies Honolulu Avenue (between La Crescenta Avenue and Montrose Avenue) as an Urban Collector. The predominant land use character of the frontage property on an Urban Collector is community and regional commercial. In addition, this section of Honolulu Avenue is identified in the North Glendale Community Plan as a Pedestrian Priority Area with roadways in commercial mixed-use districts that give first priority to pedestrian amenities, and traffic calming, including wide-sidewalks, pedestrian lighting, curb extensions and signalized crosswalks. Thee Elbow Room is located in a pedestrian oriented area with wide sidewalks. It features outdoor dining adjacent to the sidewalk, which is encouraged in this area.

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.

A fast food restaurant and on-site consumption of alcoholic beverages require an approved administrative use permit in this zone. A delicatessen/sandwich shop has been in operation at this location for almost 35 years (with outdoor seating for about 29 years) without adversely affecting or conflicting with adjacent uses. The consumption of alcoholic beverages with meals is incidental to the restaurant

operation. No private or public improvements are required. The fast food restaurant is surrounded by other complementary businesses, including office, retail and service type uses. Residential neighborhoods are located nearby, but do not adjoin the project site. Adequate public and private facilities such as utilities, parking and some landscaping exist. The request to serve alcoholic beverages with sandwiches is not anticipated to create any traffic-related negative impacts on these streets and other businesses over and above the existing condition. The Police Department has reviewed the request to serve alcoholic beverages and has recommended appropriate conditions to further safeguard the health, safety, and general welfare of the public. Within the last calendar year, there were no calls for service to this location. Similarly, no complaints have been filed by the public concerning this operation.

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

Thee Elbow Room is located within a commercial district and surrounded by complementary uses. The restaurant's request to serve alcoholic beverages will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property, since it would not change the land use designation of the existing establishment. The focus of the operation continues to be food. In this regard, the service of alcoholic beverages is an enhancement to the dining experience. The consumption of alcoholic beverages in a restaurant is not usually problematic. Conditions have been added to restrict business hours.

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.

Thee Elbow Room is located within a two-story building completed in 1979. A delicatessen/fast food restaurant has been in operation at this location since this time. Current Zoning Code allows for the change of use of the subject tenant space less than 1,000 square feet from a counter service restaurant to a fast food restaurant (with no drive thru) without providing additional parking. See attached Continuing Jurisdiction for additional information. Additional nearby public parking is provided adjacent to Wickham Way in City Parking Lot 2 (30 spaces), on-street 9-hour parking spaces on Wickham Way (43 spaces), and metered parking on Honolulu Avenue and Las Palmas Avenue. The property is fully improved with all necessary utilities. The Circulation Element identifies Honolulu Avenue (between La Crescenta Avenue and Montrose Avenue) as an Urban Collector. It is fully improved and adequately services the subject site and surrounding commercial developments. The service of alcoholic beverages at this sandwich shop is not anticipated to generate additional traffic over the existing condition since this is not a change in land use.

REQUIRED ADDITIONAL FINDINGS OF FACT FOR AN AUP FOR ALCOHOL SALES, SERVICE AND CONSUMPTION:

That all the criteria set forth in Section 30, have been considered in making the findings in subsection A. through D. above:

- 1) That such use will not tend to intensify or otherwise contribute to the adverse impacts on the surrounding area caused by over concentration. The Glendale Police Department noted no concerns with this proposal.
- 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 fast food restaurant with sales, service, and consumption of alcoholic beverages in this location has or would encourage or intensify crime within the district.
- 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). While residential uses, a library and private preschools are located nearby, the existing sandwich shop/fast food restaurant has not proven to impact those uses, and the sale of beer is complementary to the food service. Additionally, the project is conditioned to ensure the function of this restaurant and sale of alcoholic beverages in compliance with all municipal codes and state law. The proposed on-site sales, service and consumption of beer with meals at the existing fast food restaurant is not anticipated to adversely impact other neighboring uses in this area.
- 4) That the proposed use satisfies its transportation or parking needs as described above because adequate access, parking and delivery spaces are available to serve this use.
- 5) That the proposed use will serve a public necessity or public convenience purpose for the area as evidenced by the demand for restaurants with alcoholic beverages in the northern Glendale area.

CONDITIONS OF APPROVAL

APPROVAL of this Administrative Use Permit shall be subject to the following conditions:

1. The development shall be in substantial accord with the plans submitted with ten parking spaces as currently existing 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. All necessary licenses as required from Federal, State, County or City authorities including the City Clerk shall be obtained and kept current at all times.
3. Sufficient measures shall be enforced to effectively eliminate interior and exterior loitering, parking congestion, disturbing noise, disturbing light, loud conversation, and criminal activities.
4. The service of alcoholic beverages shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control.
5. No speaker systems shall be installed outside the building.
6. 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 lot in those areas where street lights do not effectively illuminate the premises. No lighting shall be installed or maintained that shines or reflects onto adjacent properties.
7. The premises shall be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.
8. All signs displayed shall conform to the requirements of the Glendale Municipal Code.
9. Noise shall be contained to the site, such that persons of normal sensitivity off-site are not disturbed.
10. 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 Management Administrator of the City of Glendale. No trash containers shall be stored in any parking, driveway, or landscaping area.
11. No patrons of the restaurant shall be allowed to bring into the establishment any alcoholic beverage that was purchased from outside of the establishment, unless the facility has an established corkage policy allowing and regulating such.
12. The restaurant shall remain open to the public during business hours. 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.
13. Business hours shall be permitted only between the hours of 10:00 a.m. to 12:00 a.m. Monday through Thursday and to 1:00 a.m. Friday and Saturday. On-sale, service and consumption of beer shall be permitted only during business hours.

14. There shall be no video machine(s) maintained on the premises.
15. The premises shall be operated in full accord with applicable State, County, and local laws.
16. Access to the premises shall be made available to all City of Glendale Planning and Neighborhood Services Division, Police Department, and Fire Department staff upon request for the purpose of verifying compliance with all laws and conditions of this approval.
17. No exterior signs advertising the service of alcoholic beverages shall be permitted.
18. The premises shall be maintained as a sandwich shop and shall provide a menu containing an assortment of foods normally offered in such establishment. Food service shall be available at all times.
19. Live entertainment shall be allowed in the evenings, so long as it does not disturb the other occupants of the building.
20. Any expansion or modification of the facility or use which intensifies this administrative use permit shall require a new administrative use permit. Expansion shall constitute adding floor area, changes to the use or operation, or any physical changes as determined by the Planning Hearing Officer with concurrence from the Director of Community Development.
21. A new Business Use Certificate shall be applied for and issued for a fast food restaurant with sales, service, and consumption of alcoholic beverages, subject to the findings and conditions outlined in this decision letter.
22. That authorization granted herein shall be valid for a period of **5 YEARS UNTIL AUGUST 12, 2019.**

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 (COD) upon request and must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **AUGUST 27, 2014**, 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 (COD), 633 East Broadway, Room 103, Monday thru Friday 12:00p.m. to 5 p.m.

APPEAL FORMS available on-line:
<http://glendaleca.gov/government/departments/community-development/planning-division/services/how-to-submit-a-planning-application>

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 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 30.4 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.

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, Kathy Duarte at 818-937-8163 or kduarte@glendaleca.gov

Sincerely,
Hassan Haghani
Director of Community Development Department



Laura Stotler
Planning Hearing Officer

HH:LS: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-(D.Nickles); City Engineer and Traffic & Transportation Section (Roubik Golanian/G.Tom); Director of Public Works and General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (R.Takidin); Glendale Water & Power--Electric Section (M.Kelley/M.Jackson); Parks, Recreation and Community Services Dept. (E.Tatevosian); Neighborhood Services Division (A.Jimenez); Integrated Waste Management Admin. (D.Hartwell); Maintenance Services Section Admin. (D.Hardgrove); Street and Field Services Admin.; Environmental Management (M.Oillataguerra); and case planner-Kathy Duarte.