



CITY OF GLENDALE, CALIFORNIA

Community Development
Planning

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glendaleca.gov

March 24, 2022

Hrire Rostomian
1338 Verdugo Boulevard
La Canada Flintridge, CA 91011

**RE: ADMINISTRATIVE USE PERMIT CASE NO. PAUP 2120003
2200 HONOLULU AVENUE
(Benitoite Restaurant)**

Dear Mr. Rostomian:

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 renew the on-site sales, service and consumption of beer and wine (ABC License Type 41) at an existing full-service restaurant with sidewalk dining (Benitoite Restaurant) located at **2200 Honolulu Avenue**, in the Commercial Retail (CR) Zone, described as Lots 31 and 32, Tract No. 1701 in the City of Glendale, County of Los Angeles.

CODE REQUIRES

- (1) The sale of beer and wine requires an Administrative Use Permit in the "CR" (Commercial Retail) Zone (GMC 30.12.020, Table 30.12-A).

APPLICANT'S PROPOSAL

- (1) To renew the sale of beer and wine for on-site consumption at an existing full-service restaurant with sidewalk dining in the "CR" Zone.

ENVIRONMENTAL DETERMINATION

The project is exempt from CEQA review as a Class 1 "Existing Facilities" exemption pursuant to Section 15301 (e) of the State CEQA Guidelines, because the discretionary permit request is to allow for the on-site sales, service, and consumption of beer and wine at an existing full-service restaurant within an existing commercial space and there is no added floor area proposed.

REQUIRED/MANDATED FINDINGS

After considering the evidence presented with respect to this application, all of the required three findings can be made in support of the application. The Director of Community Development has **APPROVED WITH CONDITIONS** your application based on the following findings:

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

The renewal of on-site sales, service and consumption of beer and wine, at an existing full-service restaurant (Benitoite) is appropriate in an area of the city zoned for commercial uses and will continue to provide an option for the dining public to enjoy beer and wine with their meals. The subject site is located in the CR (Commercial Retail) Zone and the General Plan Land Use Element designation is Regional Commercial and the North Glendale Community Plan identifies the neighborhood as the Montrose Shopping Park. The on-site sales, service and consumption of beer and wine at an existing full-service restaurant (Benitoite) will be consistent with the various elements and objectives of the General Plan. An economic goal of these documents is to create a vibrant area that promotes diversity and economic opportunities that support a variety of businesses. The Montrose Shopping Park emphasizes pedestrian amenities and traffic calming features such as public parking lots, curb extensions, wide sidewalks, sidewalk dining, and seating in landscaped planter areas with shade trees. Goods and services that are offered in this zone generally attract clientele from surrounding communities and the adjoining residential neighborhoods, and the Montrose Shopping Park is a shopping and dining destination. The project site is already developed and the applicant's request is to allow the renewal of on-site sales, service and consumption of beer and wine at an existing full-service restaurant with sidewalk dining that is surrounded by other complementary businesses, including retail and service uses. The 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 required parking for the use.

The Circulation Element identifies this section of Honolulu Avenue as an Urban Collector Street and Verdugo Road as a Major Arterial. These streets are fully developed and can adequately handle the existing traffic circulation around the site. The project site is surrounded by commercially zoned properties, and the applicant's request for the renewal of on-site sales, service and consumption of beer and wine at an existing full-service restaurant with sidewalk dining and in conjunction with meals, is not anticipated to create any negative traffic-related impacts on Honolulu Avenue, Verdugo Road, and surrounding uses over and above the existing conditions.

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 existing full-service restaurant with sidewalk dining, Benitoite, has operated from this location since 2013 with the on-site sales, service and consumption of beer and wine. While the restaurant has been temporarily closed since May of 2018, they will re-open once they have obtained the necessary approvals for on-site sales, service, and consumption of beer and wine. The applicant's request 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 3006.02 where the suggested limit for on-sale alcohol establishments is three. There are currently 34 on-sale licenses in this tract, with Benitoite Restaurant being one of the existing 34 licenses. Based on Part 1 crime statistics for census tract 3006.02 in 2020, there were 171 crimes, 2% above the city wide average of 167. Within the last calendar year, there have not been any calls for service to the Glendale Police Department for this location. The Glendale Police Department did not cite any concerns with the applicant's request to continue the on-site sales, service and consumption of beer and wine at this location and suggested conditions of approval have been included to mitigate any potential negative impacts.

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

The renewal of on-site sales, service and consumption of beer and wine at an existing full-service restaurant with sidewalk dining will not adversely conflict with adjacent uses or impede the normal development of surrounding property, as conditioned. The applicant's request is not anticipated to adversely conflict with surrounding properties as it will be ancillary to the primary use, a full-service restaurant. The subject property is located in the Montrose Shopping Park and is surrounded by other complementary businesses, including retail and service uses. There were no concerns or comments submitted by the Police Department or Neighborhood Services Division that would indicate that Benitoite Restaurant would have a negative impact on the surrounding area, and the proposed conditions of approval will serve to mitigate any potential negative impacts on the surrounding properties.

There are five public facilities located in the immediate area of the subject site: Church of Scientology Mission of the Foothills at 2254 Honolulu Avenue (0.1 miles to the west), Fire Station No. 29 at 2465 Honolulu Avenue (0.5 miles to the west), Christian Science Church at 2406 Honolulu Avenue (0.3 miles to the west), Montrose Park at 3259 Clifton Place (0.3 miles to the southeast), and Bethany Church at 3229 North Verdugo Road (0.6 miles to the south). While these facilities and uses are within close proximity, the applicant's request will not impede their operation or conflict with such land uses. The low-intensity nature of

the on-site sales, service and consumption of beer and wine would not negatively impact these facilities in the way other establishments like a tavern, bar, or nightclub would.

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 for the renewal of on-site sales, service and consumption of beer and wine at an existing full-service restaurant with sidewalk dining will not result in inadequate public or private facilities. The project site is already developed and associated facilities are existing. The existing full-service restaurant, "Benitoite," has been operating at this location since 2013. This application does not include any added floor area or modifications to the existing building; therefore, there will be no increase in required parking for this use. No on-site parking is provided because the buildings occupy the majority of the project site and no parking spaces were required when these building were first constructed in 1914 and 1921. However, City Parking Lots No. 1 and No. 7 located to the south and southwest of the project site contain 35 and 95 parking spaces respectively and City Parking Lot No. 3 to the northwest contains 308 parking spaces. These City Parking Lots provide parking for the surrounding commercial uses located in the Montrose Shopping Park. The Circulation Element identifies Honolulu Avenue as an Urban Collector street and Verdugo Road as a Major Arterial. These streets are fully developed and can adequately handle the existing traffic circulation around the site. The applicant's request for the renewal of on-site sales, service and consumption of beer and wine at an existing full-service restaurant with meals will not require any new city services, nor will it require any changes to the parking or traffic circulation, 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 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 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 as described 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 I crimes, as reported by the Glendale Police Department, such use does not or will not tend to encourage or intensify crime within the district because conditions of approval have been included in the approval of this application to ensure that any potential negative impacts will be appropriately mitigated, as described in Finding B above.

- 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 schools or college, day care facility, public park, library, hospital or residential use), as noted in Finding C above.
- 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 described in Finding D above.
- 5) That notwithstanding consideration in subsections 1 through 4 above, the operation of a full-service restaurant with the on-site sales, service and consumption of beer and wine does serve a public convenience for the area because it would provide beer and wine in conjunction with food service at a full-service restaurant for 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:

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, Country 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, distributing noise, distributing 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 ABC license. Consumption of alcoholic beverages shall only be on those same licensed areas.
5. That no patron of the restaurant shall be allowed to bring into the establishment any alcoholic beverage unless that alcoholic beverage was purchased within that same establishment unless the facility has an established corkage policy allowing and regulating such.
6. That the sale of beer and wine for off-site consumption is strictly prohibited, unless preemptively permitted by State regulations.
7. That no separate bar for the sales, service and consumption of beer and wine shall be installed on the premises.
8. That no exterior signs advertising the sales and service of beer and wine shall be permitted.
9. That there shall be no video machine(s) and/or video game(s) maintained upon the premises.
10. That no live entertainment is permitted without a "Live Entertainment Permit".
11. That 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.
12. That the restaurant shall adhere to the City's Fresh Air Ordinance, Title 8, Chapter 8.52 of the Glendale Municipal Code.
13. That the restaurant shall be operated in full accord with applicable State, County, and local laws.
14. That any proposed outdoor dining in the public right-of-way shall obtain the required sidewalk dining permit from the City's Public Works Department.
15. That access to the premises shall be made available to all City of Glendale Planning and Neighborhood Service Divisions, Police Department, and Fire Department staff upon request for the purpose of verifying compliance with laws and conditions of this approval.
16. That any expansion or modification of the facility or use which intensifies the Administrative Use Permit shall require a new Administrative Use Permit application. Expansion shall constitute adding floor area, changes to the use or operation, or any physical change as determined by the Planning Hearing Officer, with concurrence from the Director of Community Development.

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, appeal forms and fees will be provided by the Community Development Department (CDD) staff upon request by calling 818-548-2140.

The completed appeal form must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **APRIL 8, 2022**.

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 APRIL 8, 2022 deadline (mailed to Community Development Department – Planning Division, Attention Vista Ezzati, 633 East Broadway, Room 103, Glendale, CA 91206) OR emailed to the case planner Vista Ezzati at VEzzati@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: 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.

GMC CHAPTER 30.41 PROVIDES FOR

TERMINATION

Every right or privilege authorized by an Administrative Use Permit shall terminate two 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.

CESSATION

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

EXTENSION

Permits granted by such right or privilege may be requested one time and extended for up to a maximum of one 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 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.

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 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.

REVOCAION

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over Administrative Use Permits. To consider the revocation, the Director of Community Development shall hold a public hearing after giving notice by the same procedure as for consideration of a variance at least ten (10) days' notice by mail to the applicant or permittee.

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, **Vista Ezzati**, first and then, the 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 the case planner, Vista Ezzati, during normal business hours at her direct line (818) 937-8180 or via email at VEzzati@glendaleca.gov, between 8:30 a.m. to 5:30 p.m. weekdays.

Sincerely,



Erik Krause
Planning Hearing Officer

EK:VE:sm

CC: City Clerk (K.Cruz); Police Dept. (J.Newton/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section- (S.Demirjian/F.McLean); Traffic & Transportation Section (P.Casanova/Mark Bueno-Traffic Engineer Assoc.); General Manager for Glendale Water and Power (M.Young); Glendale Water & Power--Water Section (G. Tom/S. Boghosian/R.Takidin/C.Babakhanlou/D.Scorza); 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-Vista Ezzati.