



CITY OF GLENDALE, CALIFORNIA
COMMUNITY DEVELOPMENT DEPARTMENT
Director of Community Development

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Glendale, California 91206-4386
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www.ci.glendale.ca.us

December 18, 2012

Ms. Janelle Williams
Williams Land Use Services
2418 Honolulu Avenue, Suite - B
Montrose, CA 91020

**RE: 2331 HONOLULU AVENUE
CONDITIONAL USE PERMIT NO. PCUP 1231396
(Casa Cordoba)**

Dear Ms. Williams:

On December 12, 2012, the Planning Hearing Officer conducted and closed a public hearing, pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.42, on your application for a Conditional Use Permit to allow the on-site sales, service, and consumption of beer and wine at a new full-service restaurant (with indoor and courtyard dining) and the off-site sale of beer and wine, located at **2331 Honolulu Avenue**, in the "CR" - Commercial Retail zone, described as a Portion of Lot 317, Tract No. 1701, in the City of Glendale, County of Los Angeles.

APPLICANT'S PROPOSAL

- (1) A Conditional Use Permit to allow on-site sale, service and consumption of beer and wine at a new full-service restaurant and the off-site sale of beer and wine.

CODE REQUIRES

- (1) On-site sale, service and consumption of beer and wine, and the off-site sale of beer and wine require a Conditional Use Permit in the "CR" – Commercial Retail Zone.

ENVIRONMENTAL RECOMMENDATION: Exempt.

REQUIRED/MANDATED FINDINGS

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report by the Community Development Department staff thereon, and the statements made at the public hearing with respect to this application, the Planning Hearing Officer has **GRANTED WITH CONDITIONS** your application based on the following:

A. The proposed use will be consistent with the various elements and objectives of the General Plan.

The proposed uses will be consistent with the various elements and objectives of the General Plan, including the North Glendale Community Plan. General Plan elements provide citywide policy direction, with the local Community Plans providing specific neighborhood policies, descriptions and design guidelines. The service of beer and wine at this full service restaurant and the off-site sale of beer and wine are commercial uses, consistent with the goals and objectives of the General Plan and the North Glendale Community Plan. Casa Cordoba is located in the "CR" Zone, a zone intended to accommodate retail shopping and convenience services in the Montrose Shopping Park in conformance with the Montrose Shopping Park Commercial District designation in the North Glendale Community Plan. Beer and wine sales are a recognized service associated with restaurants and serve a public convenience. Casa Cordoba follows the vision for Montrose Shopping Park to provide pedestrian-friendly destination shopping and dining that is supported by public parking lots, wide sidewalks and shade trees. The outdoor dining area in the plaza provides an inviting environment to draw customers, as well as those passing by. It is an amenity to support Honolulu Avenue's designation as a Pedestrian Priority area. The restaurant improvements uphold the North Glendale Community Plan (NGCP) Urban Design goals to respect visual character through architectural design and attractive, well-maintained private structures, as well as support preservation of historic resources. It is in keeping with the economic development policy of the NGCP to create and enhance vibrant commercial areas.

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. Casa Cordoba is located in a pedestrian oriented area with wide sidewalks and features outdoor dining.

B. The 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 not anticipated that Casa Cordoba Restaurant with the on-site consumption of beer and wine and off-site sale of beer and wine will have a detrimental effect

on the community. Similar full service restaurants with off-site alcohol sales have proven to be compatible with the Montrose Shopping Park businesses. The restaurant will feature an outdoor patio where smoking will be prohibited in accordance with state laws and the City's Fresh Air Ordinance. Although the Glendale Police Department (GPD) noted that the crime rate for Census Tract 3006 exceeds the average Part 1 crimes for the City (130 crimes – 106% above the city-wide average of 63), they believe that if this establishment abides by the conditions set forth it will not contribute to the crime in the area and that the establishment will be a successful addition to the community. Additionally, Casa Cordoba is in an area that is over concentrated with liquor licenses. Census Tract 3006 allows for seven On-Sale and five Off-Sale establishments. There are currently 32 On-Sale and ten Off-Sale establishments in this census tract. While this restaurant and liquor store is in a census tract that is over concentration, the Police Department noted that they believe that if this establishment abides by the conditions set forth it will not contribute to the crime in the area.

C. The use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property provided that the conditions of approval are followed.

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 Casa Cordoba Restaurant will be detrimental to the community or adversely conflict with the community's normal development. Full service restaurants in the Montrose Shopping Park serve and sell beer and wine without adverse impacts. While outdoor dining may cause noise impacts to neighboring uses, conditions have been added to only allow the playing of music or use of microphones inside the building when doors are closed. Adequate public and private facilities such as utilities, parking and landscaping exist. This portion of Honolulu Avenue is developed with a variety of retail, restaurant, and service related businesses and Casa Cordoba will continue to complement them. There will be no impact to existing traffic, loading, or noise caused by the use. There are no churches, public or private schools or college, day care facility, public park, library, hospital, residential or other sensitive uses adjacent to the restaurant. The on-site parking and shared parking lots provided, together with conditions attached herein, are sufficient to assure that the facility will continue to not have a negative impact on the area.

D. Adequate public and private facilities such as utilities, landscaping, parking spaces and traffic circulation measures are provided for the 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 and store in the existing structure; therefore, it is not anticipated to increase the need for public or private facilities. The restaurant is located in a Pedestrian Priority Area with existing pedestrian amenities and traffic calming, including wide-sidewalks, pedestrian lighting, curb extensions and signalized crosswalks. Tenant improvements for the restaurant enhanced the existing Spanish style architecture, and the courtyard was improved to resemble a Spanish plaza. Existing on-site parking and City Parking Lots 4 and 6 are expected to provide sufficient parking spaces for the restaurant, and alcoholic beverages sales are not anticipated to increase the demand. Uses within the Montrose Shopping Park are encouraged to use shared parking as described in the North Glendale Community Plan (Area 4.5.a). Honolulu Avenue is identified as an Urban Collector, which adequately handles the existing traffic circulation around the site. The Traffic Engineer's Section did not submit concerns related to traffic circulation and parking.

E. That all the criteria set forth in Section 30.42.030 (F) to be considered in making the findings in subsection A. through D. above have all 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 care facility, public park, library, hospital or residential use) as described above in finding C.
- 4) That the proposed use satisfies 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-site sales, service and consumption as described above in finding A .

SUMMARY OF PLANNING HEARING OFFICER'S DECISION

The Planning Hearing officer was able to make all four required findings in favor of the application for a full-service restaurant and the off-site sale of beer and wine and was

able to justify approval of the case based on the five criteria required for alcohol-related cases in Sub-Section 30.42.030(F), Glendale Municipal Code. The conditions attached to the approval will control the use in a manner necessary to allow the use to properly fit into the specific location.

CONDITIONS of Approval

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

- 1) 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) 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) Access to the premises shall be made available upon request to all City of Glendale authorized staff (i.e. Community Development Department, Fire Department, Police Department, etc.) for the purpose of verifying compliance with all laws and the conditions of this approval.
- 4) State Accessibility Standards shall be met for all parking requirements and building entrance accessibility as required by the Building and Safety Division.
- 5) Additional or other building code requirements or specific code requirements may be required upon submittal of plans for building plans check and permit.
- 6) The hours of operation shall be limited to 7:00 a.m. to 1:00 a.m. daily, and the restaurant shall remain open to the public during business hours. On-sale serving of beer and wine shall cease one-hour prior to closing of the restaurant.
- 7) There shall be no video machine maintained upon the premises.
- 8) Dancing is not permitted.
- 9) Live entertainment is permitted with the exception that 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.

- 10) This approval is limited to a full-service restaurant with off-sale of beer and wine, not a tavern. An establishment that primarily provides for the on-premises sale, serving and consumption of alcoholic beverages and that derives more than 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.
- 11) A Zoning Use Certificate shall be obtained and reference this conditional use permit.
- 12) No exterior signs advertising the sale/service of alcoholic beverages be permitted, banners shall be prohibited, and all signs displayed shall conform to the requirements of the Glendale Municipal Code.
- 13) Graffiti shall be removed in a timely manner.
- 14) All noise and odors shall be confined within the property so as not to disturb occupants of other adjacent businesses or properties, and patrons on the public right-of-way. Lighting may be provided in the patio provided it does not disturb occupants of other adjacent businesses or properties, and patrons on the public right-of-way. Music is permitted within the building and within the outdoor patio. Music shall be kept to lower levels in the patio such that normal conversation can take place at all times, and at a level that would not disturb occupants of other adjacent businesses in the building. The Planning Hearing Officer's opinion shall prevail to arbitrate any conflicts. Live entertainment is subject to a separate permit.
- 15) The facilities shall not be rented, leased or otherwise occupied for purposes not specified.
- 16) 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, 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.
- 17) The restaurant and store shall adhere to the City's Fresh Air (smoking) Ordinance.
- 18) The service of alcoholic beverages shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control.

- 19) Access to the premises shall be made available upon request to all City of Glendale authorized staff (i.e. Community Development Department, Fire Department, Police Department, etc.) for the purpose of verifying compliance with all laws and the conditions of this approval.
- 20) The authorization granted herein shall be valid for a period of **FIVE (5) years, until JANUARY 3, 2018**, at which time, a reapplication must be made.

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

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 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 **JANUARY 2, 2013**, in the Building and Safety Division, 633 E. 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.

REVOCATION, CONTINUING JURISDICTION

SECTION 30.64.020 – REVOCATION

The Community Development Department shall have continuing jurisdiction over variances 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 Department

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 (Kathy Duarte at 818.937.8163) who acted on this case. This would include clarification and 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.

Sincerely,



Laura Stotler
Planning Hearing Officer

LS:sm

CC: City Clerk (K.Cortes); Police Dept. (Tim Feeley/Z.Avila); City Attorney's Dept. (G. van Muyden/M.Yun); 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 (Stephen Zurn); Glendale Water & Power--Water Section (R.Takidin); Glendale Water & Power--Electric Section (M.Kelley/M.Jackson); Parks, Recreation and Community Services Dept. (Emil Tatevosian); Neighborhood Services (A.Jimenez); Integrated Waste Management Admin. (D.Hartwell); Maintenance Services Section Admin. (D.Hardgrove); Street and Field Services Admin.; Environmental Management (M.Oillataguerra); Jeannie and Chris Bone, restaurant operators; Margot V. Amador; Caroline Craven; Ted&Robin Eccles; Scarlett C. Hibner (representing Mrs. Don T. Hibner, Jr.); Johanna Leovey, Suanne Mandell; Ellen L. Narver; Heather Nelson; Kathy Rittwage; Janis Rodriguez; Kit Davis Stebbins; Ara Stepania; Ernie&Randy Strapazon; Jill Suarez; Chris Sullivan; and case planner – Kathy Duarte.