



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

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www.ci.glendale.ca.us

December 5, 2012

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

**RE: 2427 HONOLULU AVENUE
CONDITIONAL USE PERMIT NO. PCUP 1230427
(Wine Cave)**

Dear Ms. Williams:

On November 28, 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 a wine bar (tavern) with beer and wine sales for on-site and off-site consumption, located at **2427 Honolulu Avenue**, in the "CR" - Commercial Retail zone, described as a Portion of Lot 324, Tract No. 1701, in the City of Glendale, County of Los Angeles.

APPLICANT'S PROPOSAL

- 1) To allow a tavern with the sale of beer and wine for on-site and off-site consumption in the "CR" - Commercial Retail zone.

CODE REQUIRES

- 1) A conditional use permit is required for a tavern including off-site alcohol sales in the "CR" Commercial Retail zone (GMC Table 30.12 - A).

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. 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 beer and wine at this tavern for both on-site and off-site consumption is a commercial use, which is consistent with the goals and objective of the General Plan and the North Glendale Community Plan. The Wine Cave 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. It 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. Beer and wine sales are a recognized service associated wine bars. The continuation of this service would be in keeping with the goal of the North Glendale Community Plan to preserve the existing independent, small businesses. The Wine Cave is a successful business that has served a regional client base for over three years, operating legally since 2009.

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. The Wine Cave is located in a pedestrian oriented area with such amenities.

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 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 the Wine Cave will have a detrimental effect on the community. The wine bar (tavern) with alcoholic beverages for both on-site and off-site consumptions has proven to be compatible with the Montrose Shopping Park businesses, and the use of the building, parking, and customer service hours will continue in the same manner.

The subject property is located in Census Tract No. 3006. The Glendale Police Department reports that this census tract currently has an excessive amount of "off-sale" and "on-sale" establishments according to an established State of California Department of Alcoholic Beverage Control formula. There are currently 32 on-sale and 11 off-sale licenses in this tract that include the subject site. Based on a lack of negative public testimony and police-related issues it can be found that the use will not contribute to the adverse impacts on the surrounding area. The Glendale Police Department also reports that Census Tract No. 3006 has a "Part 1" crime index of 130, which is 106% above the city-wide median of 63. Based again on a lack of negative public testimony and the comments from the Police

Department and on the Police Department's historic position that they can monitor many establishments effectively in this neighborhood, it can also be found that the use will not tend to encourage or intensify crime within the district if operated under strict conditions. The evidence in the record indicates that the use does serve a public convenience purpose for the area. No evidence has been presented which would indicate that the proposed use will adversely impact any church, public or private school or college, day care facility, public park, library, hospital, or residential use within the surrounding area.

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 conflict with adjacent uses or impede the normal development of surrounding property provided that the conditions of approval are followed. This portion of Honolulu Avenue is developed with a variety of retail, restaurant, and service related businesses and the Wine Cave will continue to complement them. There will be no impact to existing traffic, loading, or noise caused by the use. In addition, the Planning Division has not received any formal complaints from the nearby commercial and residential properties. Section 30.64.020, Glendale Municipal Code provides for continuing jurisdiction over the use so that any adverse effects will not be continued.

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 continue the sale of beer and wine for both on-site and off-site consumption in the existing manner; therefore, it is not anticipated to increase the need for public or private facilities. It is a Pedestrian Priority Area with existing pedestrian amenities and traffic calming, including wide-sidewalks, pedestrian lighting, curb extensions and signalized crosswalks. The continuation of on-site sale, service, and the consumption of alcoholic beverages at the Wine Cave is not anticipated to intensify traffic circulation or parking demand. Parking is available on site and on nearby City of Glendale-owned parking lots in the Montrose Shopping Park, and no changes are anticipated for the parking demand for the Wine Cave. Uses within the Montrose Shopping Park are encouraged to use shared parking as described in the North Glendale Community Plan (Area 4.5.a).

E. For applications involving the sale, serving or consumption of alcoholic beverages, 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 where a proposed on-site use is located in a census tract with more than the recommended maximum concentration of on-site uses or that where an existing off-site use is located in a census tract with more than the recommended maximum concentration of off-site uses, as recommended by the California Department of Alcoholic Beverage Control, such use will not tend to intensify or otherwise contribute to the adverse impacts on the surrounding area caused by such over concentration based

on the comments submitted by the City of Glendale Police Department. The Wine Cave is in an area that is over concentrated with liquor licenses. The Wine Cave is located in census tract 3006 which allows for 7 on-sale and 5 off-sale establishments. There are currently 32 on-sale and 11 off-sale licenses in this tract. The Wine Cave is one of the existing 32 and 11, respectively. The establishment holds a Type 20 as well as a Type 42 ABC license; these licenses allow for the sales and consumption of beer and wine in a public premise, and the purchase of bottles of wine for off-site consumption. Type 42 allows the service of beer and wine in a public premise, and Type 20 allows sales of beer and wine for off-site consumption. These licenses cover the conditional use permit proposed in the CUP application.

2. That where the existing or proposed use is located in a crime reporting district with a crime rate which exceeds twenty (20) percent of the city average for Part I crimes, as reported by the Glendale Police Department, such use will not tend to encourage or intensify crime within the district because conditions placed on the approval of this conditional use permit will reduce the potential for these deleterious impacts to occur. According to the Glendale Police Department, based on Part 1 crime statistics for census tract 3006 in 2011, there were 130 crimes-106% above the city wide average of 63. Within the last calendar year, there were two calls for police service at the location; however, both calls were not directly related to the sale, service or consumption of alcoholic beverages. Although the Glendale Police Department noted that the crime rate for Census Tract 3006 exceeds the average Part 1 crimes for the City, the Police Department noted the Wine Cave did not significantly contribute to the higher crime rate.
3. That the existing or proposed use does not or will not adversely impact any church, public or private school or college, day care facility, public park, library, hospital or residential use within the surrounding area. The Wine Cave is located in the Montrose Shopping Park, which is designated as a regional shopping area. The majority of the area surrounding the subject site is developed with similar or more intensive land uses as the subject project. In addition, this section of Honolulu Avenue is identified in the North Glendale Community Plan as a Pedestrian Priority Area with first priority given to pedestrian amenities and traffic calming, including wide-sidewalks, pedestrian lighting, curb extensions and signalized crosswalks. The City promotes "walkability" and these features provide a service for nearby residents. The wine bar contributes to the goals of the North Glendale Community Plan.
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. The Wine Cave is located in a Pedestrian Priority Area with existing pedestrian amenities and traffic calming, including wide-sidewalks, pedestrian lighting, curb extensions and signalized crosswalks. The continuation of the sale of alcoholic beverages for both on-site and off-site consumption at the Wine Cave is not anticipated to intensify traffic circulation or parking demand.

Shared City Parking lots provide sufficient parking spaces for this portion of the Montrose Shopping Park, and no changes are anticipated for the parking demand for the Wine Cave. 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.

5. That, notwithstanding consideration of the criteria in subsections 1 through 4 above, the continued sale of beer and wine at the Wine Cave for both one-site and off-site consumption does serve a public convenience for the area. Compatibility of land uses is important to fostering a productive and thriving community. The continued service of alcoholic beverages at the wine bar serves a public convenience because it serves local residents and businesses. Conditions placed on the approval of the project will ensure that it will not adversely impact nearby businesses and residential uses.

SUMMARY OF PLANNING HEARING OFFICER'S DECISION

The Planning Hearing Officer was able to make all four required findings in favor of the application and was able to justify approval of the case based on the criteria required for alcohol-related cases in G.M.C. Section 30.42.030.F. The conditional use permit is for a wine bar with beer and wine sales for on-site and off-site consumption. The wine bar with beer and wine sale, service and consumption has been in operation at this location since 2009 and there are numerous other uses (primarily restaurants) serving alcoholic beverages in the neighborhood (Montrose Shopping Park). The conditions attached to the approval will control the use in a manner necessary to allow the continued sale, service and consumption of beer and wine at the wine bar to properly fit into the specific location.

CONDITIONS OF APPROVAL

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

1. That the use 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 Zoning Administrator.
2. That all licenses, permits as required or approvals from Federal, State, County or City authorities including the City Clerk shall be obtained and kept current at all times.
3. That sufficient measure shall be enforced to effectively eliminate interior and exterior loitering, parking congestion, disturbing noise, disturbing light, loud conversation and criminal activities.

4. That the sale and service of alcoholic beverages shall be limited to wine and beer and shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control.
5. That the premises shall be operated in full accord with applicable state, County, and local laws.
6. That adequate exterior lighting of the subject property shall be provided that does not glare onto adjacent properties.
7. That no speaker systems shall be installed outside the building.
8. That live entertainment and public dance are subject to separate permits, as required by Title 5 of the Glendale Municipal Code.
9. That no dance floor greater than 200 square feet shall be permitted. If a dance floor greater than 200 square feet is proposed, the tavern will be considered a nightclub, by definition, and application for a new conditional use permit shall be required.
10. That all signs displayed shall conform to the requirements of the Glendale Municipal Code.
11. That a sign permit shall be obtained for the existing wall sign at the front of the building.
12. That noise shall be contained to the site, such that persons of normal sensitivity off-site are not disturbed. The Planning Hearing Officer's opinion shall prevail to arbitrate any conflicts.
13. 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 Management Administrator of the City of Glendale. No trash containers shall be stored in any parking, driveway, or landscaping area.
14. That the establishment shall comply with the City's Fresh Air Ordinance (GMC Section 8.52 Smoking).
15. That all delivery operations shall be done in a manner that will not disturb occupants of adjacent properties.
16. That the rear door shall remain unlocked and available for customers to enter during all business hours.
17. 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.
18. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.

19. That the facility shall not be rented, leased or otherwise occupied for purposes not specified in this application.
20. That access to the premises shall be made available to all City of Glendale Community Development Department, Neighborhood Services, Police Department, and Fire Department staff upon request for the purpose of verifying compliance with all laws and the conditions of this approval.
21. That the applicant shall finalize the Building Permit for the tenant improvement prior to securing a new Zoning Use Certificate (ZUC) required for the change in use.
22. That no outside storage shall be allowed on the site.
23. That the authorization granted herein shall be valid for a period of **seven (7) years until December 21, 2019.**

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 **December 20, 2012** 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.

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 (Erik Kruase at 818.548.8156) 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,



VILIA ZEMAITAITIS
Planning Hearing Officer

VZ: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); Edith Fuentes; Elisa Glickman; Arleen Pinafeor; Rita Hadjimanoukian; and case planner – Erik Krause.