

December 21, 2017

Andrew Rodriguez
Art Rodriguez and Associates
444 E. Huntington, Suite 208
Arcadia, CA 91006

**RE: 801 SOUTH GLENDALE AVENUE
ADMINISTRATIVE USE PERMIT NO. PAUP 1719566
(La Cubana Restaurant)**

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 beer and wine at an existing full service restaurant in the "C3" - Commercial Service Zone, located at **801 South Glendale Avenue**, described as Lots 5, 6, 7 and 8, Borthicks Tract in the City of Glendale, County of Los Angeles.

CODE REQUIRES

(1) On-site sales, service and consumption of alcoholic beverages requires an Administrative Use Permit in the "C3" – Commercial Service Zone.

APPLICANT'S PROPOSAL

(1) To allow on-site sales, service and consumption of beer and wine (Type 41) 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 to provide on-site sales, service and consumption of beer and wine. There are no proposals to add floor area to the restaurant.

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 subject site is located in the C3 (Commercial Service) Zone and the General Plan Land Use Element designation is Community Services. The C3 zone is intended to offer a full range of goods and services to the community located along commercial thoroughfares. This zone has a broad list of permitted land uses, including full service restaurants. Goods and services offered in this zone generally attract clientele from the adjoining residential neighborhoods as well as the surrounding community. The proposed on-site sales, service and consumption of beer and wine at the existing restaurant at this location is appropriate in an area of the city zoned for commercial uses and will provide an option for the dining public to enjoy beer and wine with their meals. Alcoholic beverage sales are an administratively permitted use in the C3 zone; therefore, it is consistent with the land use designation.

The on-site sales, service and consumption of beer and wine at the existing restaurant will be consistent with the elements and objectives of the General Plan. The land use designation of the site is Community Services where retail and restaurant services along major arterials, such as South Glendale, are desired. La Cubana is located along the western portion of a one-story commercial center constructed in 1974. The subject tenant space was previously occupied by a restaurant with counter service. The project site is surrounded by other complementary businesses, including retail and service type uses. Residential uses are located to the west of the subject property, across the alley, which are zoned and developed with multi-family residential dwellings.

The proposed conditions of approval will serve to mitigate any potential impacts on surrounding properties, including the adjacent residential uses. There are no openings along the western portion of the building or existing restaurants; which is facing the residential properties across the alley. 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. The applicant's request to allow the proposed on-site sales, service and consumption of alcoholic beverages with meals is not anticipated to create any negative traffic-related impacts on South Glendale Avenue or East Windsor Road over and above the existing conditions.

Serving alcoholic beverages in conjunction with bona fide food service is a common ancillary use for restaurants and will further assist in making Glendale a dynamic destination. Given that the project site is already developed and the administrative use permit application only requests the sales, service and consumption of beer and wine at an existing restaurant, other elements of the General Plan, including the Open Space, Recreation, Housing and Noise Elements, will not be impacted as a result of the project.

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 on-site sales, service, and consumption of alcoholic beverages at the existing full-service restaurant will not be detrimental to the safety and public welfare of the neighborhood in general. According to the Glendale Police Department, La Cubana restaurant is located in Census Tract 3025.04, where three on-sale establishments is the recommended limit. This will be the first on-sale application; however, there is one liquor store on the property that offers off-site sales of alcohol. Based on Part 1 crime statistics for this Census Tract, there were 126 crimes reported in the census tract, which is below the citywide average of 194. Restaurants frequently serve alcoholic beverages as part of their food service and such service is not associated with public drunkenness or other alcohol-related crimes. Within the last calendar year there was one call for service at this location, no report was taken. Neither the Glendale Police Department nor Neighborhood Services Division cited concerns related to this administrative use permit. Furthermore, recommended conditions of approval would ensure there are no negative impacts to the public health, safety, general welfare, or the environment.

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

The on-site sales, service and consumption of beer and wine at the existing full-service restaurant is not anticipated to be detrimental to the community or adversely conflict with the community's normal development. The consumption of beer and wine with food at a full-service restaurant will not conflict with the adjacent land uses because it is ancillary to the primary restaurant use. La Cubana is one of seven tenant spaces existing in this commercial center. A total of 24 parking spaces are provided on-site. The surrounding area of South Glendale Avenue is developed with other similar one and two-story commercial developments.

Horace Mann Elementary School and Theodore Roosevelt Middle School are located in the vicinity, approximately 0.25 miles away, respectively. However, it is not anticipated that the existing restaurant with on-site sales, service and consumption of beer and wine will adversely impact these public institutions.

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 to serve beer and wine at the existing restaurant will not result in inadequate public or private facilities. La Cubana is one of seven tenants in the existing commercial strip center. A total of 24 parking spaces, with non-conforming landscaping, are provided on-site. The existing full service restaurant with on-site sales, service and consumption of beer and wine should not result in a significant increase in utility use. The existing restaurant with alcohol service will not result in inadequate parking. Adequate public and private facilities such as utilities,

parking and landscaping exist. South Glendale Avenue is identified as a major arterial in the City's Circulation Element and this street can adequately handle the existing traffic circulation adjacent to the site.

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 to be considered in making the findings in subsection a. through d. above have all been met and thoroughly considered:

- 1) According to the Glendale Police Department, La Cubana restaurant is located in Census Tract 3025.04, where three on-sale establishments is the recommended limit. This will be the first establishment with on-site sales, service, and consumption of alcohol in this tract. Neither the Glendale Police Department nor Neighborhood Services Division cited concerns related to this administrative use permit. Furthermore, recommended conditions of approval would ensure that any potential negative impacts will be appropriately mitigated. Therefore, it is not anticipated that this use will contribute to any adverse impacts on the surrounding area.
- 2) No evidence has been presented which would indicate that an existing full service restaurant with sales, service, and consumption of beer and wine in this location would encourage or intensify crime within the district. Based on Part 1 crime statistics for this Census Tract, there were 126 crimes reported in the census tract, which is below the citywide average of 194. Restaurants frequently serve alcoholic beverages as part of their food service and such service is not associated with public drunkenness or other alcohol-related crimes. Within the last calendar year there was one call for service at this location, no report was taken. Neither the Glendale Police Department nor Neighborhood Services Division cited concerns related to this administrative use permit. Suggested conditions made by the Police Department have been included to ensure that any potential negative impacts will be appropriately mitigated.
- 3) It is not anticipated that the applicant's request to serve beer and wine at the existing restaurant will adversely impact any other uses within the surrounding area (church, public or private school or college, day care facility, public park, library, hospital or residential use). As described above in Findings B. and C. above, while residential uses and public facilities are within the same vicinity, the applicant's request to have on-site sales, service and consumption of beer and wine with meals from this existing restaurant is not anticipated to adversely impact other neighboring uses in this area. Additionally, the project is conditioned to ensure the function of this restaurant and sale of beer and wine is in compliance with all municipal codes and state law.
- 4) That the proposed use satisfies its transportation or parking needs as described in Finding D. above because adequate access, parking and delivery spaces are available to serve this use.

- 5) The applicant's request to allow on-site sales, service and consumption of beer and wine at the existing full service restaurant does serve a public convenience because it serves 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 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 permits shall be obtained from the Building and Safety Division and all construction shall be in compliance with the Glendale Building Code and all other applicable regulations.
3. That 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.
4. That sufficient measures shall be enforced to effectively eliminate interior and exterior loitering, parking congestion, disturbing noise, disturbing light, loud conversation, and criminal activities.
5. That the service of beer and wine shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control.
6. That all music, lighting, noise and odors shall be confined to the occupancy so as not to disturb occupants of other adjacent business or properties and patrons on the public right-of-way. The business shall comply with all state and local laws and ordinances concerning excessive noise and disturbing the peace.
7. That the parking area shall be kept adequately illuminated for security purposes during all hours of darkness. No lighting shall be installed or maintained that shines or reflects onto adjacent properties.
8. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.
9. That only beer and wine shall be served and only in conjunction with the consumption of food.

10. That no speaker systems shall be installed on the south side of the building facing the parking lot.
11. That there shall be no dancing at any time on the premises. No live entertainment shall be permitted without obtaining a "Live Entertainment Permit."
12. That no beer and wine shall be sold to be taken from the premises by patrons for off-site consumption.
13. That 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.
14. That the restaurant shall remain open to the public during business hours.
15. That the sales, service, or consumption of alcoholic beverages shall be permitted only between the hours of 9:00 a.m. to 11:00 p.m. seven days a week.
16. That the premises shall be operated in full accord with applicable State, County, and local laws.
17. That 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.
18. That no exterior signs advertising the sales/service of beer and wine shall be permitted.
19. That the premises shall be maintained as a full service restaurant and shall provide a menu containing an assortment of foods normally offered in such establishment. Food service shall be available at all times and in all areas of the premises during normal operating hours.
20. That there shall be no bar or lounge area on the premises used solely for the purpose of sales, service or consumption of beer and wine by patrons.
21. That the restaurant adheres to the City's Fresh Air (smoking) Ordinance, Title 15, Chapter 8.52 of the Glendale Municipal Code.
22. That any expansion or modification of the facility or use which intensifies this Administrative Use Permit (AUP) 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.

23. That a Business Use Certificate shall be applied for and issued for a full service restaurant with sales, service, and consumption of beer and wine, subject to the findings and conditions outlined in this decision letter.
24. That authorization granted herein shall be valid for a period of **TEN (10) YEARS UNTIL DECEMBER 21, 2027.**

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 (CDD) upon request and must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **January 5, 2018**, 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 (CDD), 633 East Broadway, Room 103, Monday thru Friday 12:00 p.m. to 5 p.m.

APPEAL FORMS available on-line: <http://www.glendaleca.gov/appeals>

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.

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, Bradley Collin at (818) 548-3210 or bcollin@glendaleca.gov

Sincerely,

Philip Lanzafame
Director of Community Development



Roger Kiesel
Senior Planner

RK:BC: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-(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. Alshanti/B.Ortiz/E.Olsen); 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/J.Cawn); Street and Field Services Admin.; Engineering and Environmental Management (C.Chew/R. Villaluna); and case planner – Bradley Collin.