



CITY OF GLENDALE, CALIFORNIA

Community Development  
Planning

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October 9, 2019

Rodney Khan  
1111 North Brand Boulevard, #403  
Glendale, CA 91202

**RE: 309 NORTH CENTRAL AVENUE  
ADMINISTRATIVE USE PERMIT NO. PAUP 1911152**  
(La Bella Pinseria Romana Restaurant)

(see: Parking Exception Case No. PPPEX191151)

Dear Mr. Khan:

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 (ABC License Type 41) at a new full-service restaurant, located at **309 North Central Avenue**, in the "DSP/TD"- Downtown Specific Plan Zone, Transitional District, and described as portions of Lots 1-5, and east 10 feet of Lot 73, all of Lots 75-78A and a Vacated Alley, Glendale Home Tract, M.B. 9-131, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

(1) The on-site sales, service and consumption of beer and wine requires an Administrative Use Permit in the "DSP/TD" Zone.

APPLICANT'S PROPOSAL

(1) To allow the on-site sales, service, and consumption of beer and wine (ABC License Type 41) at a new full-service restaurant.

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 beer and wine sales for on-site consumption at a new full-service restaurant and there is no added floor area proposed.

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**

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After thorough consideration of the statements contained in the application, the plans submitted therewith, the 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 on-site sales, service, and consumption of beer and wine at a new full-service restaurant will be consistent with the various elements and objectives of the general plan. The project site is located within the Downtown Specific Plan Zone, Transitional District (DSP/TD). The Land Use Element of the Glendale General Plan designates the subject site as Downtown Specific Plan, Transitional District. The Downtown Specific Plan seeks to preserve and enhance aspects which provide each district its unique character, while improving the attractiveness and livability of the Downtown area. The Transitional District includes a variety of lower-scale commercial buildings and several of the more recent high-density residential and mixed-use projects, including the subject site, with the intent of encouraging ground floor commercial uses along Central Avenue. The applicant's request to operate a full-service restaurant with the on-site sales, service, and consumption of beer and wine will be in keeping with the goals of the area to promote business and pedestrian-friendly commercial uses. The sales, service and consumption of beer and wine at this location 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 Land Use Element is most directly related to the approval of this use. All other elements of the General Plan, including Open Space, Recreation, and Housing Elements, will not be impacted as a result of the applicant's request. The project site is fully developed and has not been slated for open space or recreation. The proposal to allow the operation of a full-service restaurant with beer and wine sales for on-site consumption is consistent with the Noise Element and is not anticipated to increase the existing noise levels beyond the current conditions. This application does not include any new floor area or modifications to the existing building, and adequate utilities, landscaping, and traffic circulation measures are already provided.

The Circulation Element identifies North Central Avenue as a major arterial, West California Avenue as an urban collector, and Myrtle Street as a local street. These streets are fully developed and can adequately handle the existing traffic circulation around the site. The applicant's request to operate a full-service restaurant with the sale of beer and wine for on-site consumption is not anticipated to create any negative traffic-related impacts along North Central Avenue, West California Avenue, and Myrtle Street and other businesses 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 operation of a full-service restaurant with the sale of beer and wine for on-site consumption 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 3018.02, where the suggested limit for on-sale alcohol establishments is three. Currently, there are 21 on-sale establishments located in this tract and "La Bella Pineria Romana" will be the 22nd license in this Tract. Based on Part 1 crime statistics for this Census Tract, there were 204 crimes in 2018, 22% above the citywide average of 167. Within the last calendar year, there were no calls for police service at this location. The Glendale Police Department has suggested conditions of approval to ensure that 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 proposed full-service restaurant, "La Bella Pineria Romana" will not adversely conflict with adjacent uses or impede the normal development of surrounding property, as conditioned. The consumption of beer and wine at the restaurant with meals would not conflict with adjacent and surrounding land uses and in fact, this type of use is encouraged in this pedestrian-oriented, Downtown area. The proposed restaurant will not impede normal development within the surrounding area, since the project site is already fully developed; the use should not impede any redevelopment of Central Avenue, given the proposed administrative use permit is for beer and wine sale for on-site consumption at a new restaurant within an existing, vacant tenant space.

As part of the original project approvals in 2013 and 2014, the mixed-use development was granted a height and density bonus incentive in exchange for providing additional public accessible open space at the corners of each building

along North Central Avenue at West California Avenue and Myrtle Street. The new full-service restaurant is proposing to utilize a portion of the mixed-use project's existing publicly accessible open space for outdoor dining. Conditions of approval have been added to ensure that this space remains open to the general public with reduced seating and will not be fully privatized for use by the proposed full-service restaurant.

It is not anticipated that the on-site sales, service and consumption of beer and wine at a proposed full-service restaurant, "La Bella Pineria Romana" will be detrimental to the community or adversely conflict with the community's normal development. Their request to allow the on-site sales, service and consumption of beer and wine with meals is not anticipated to adversely conflict with surrounding properties or adjacent uses as it will be ancillary to the primary use, a full-service restaurant. The subject property is surrounded by other complementary businesses, including retail and service uses with residential uses on-site and in the vicinity.

Multi-family residential uses are located above the proposed full-service restaurant and within adjacent buildings. However, given the commercial and mixed-use nature of the Downtown area, the enclosed nature of the tenant space on the ground floor, the number of existing establishments in the area that serve and sell alcohol, and the fact that the administrative use permit request is limited to beer and wine sales only and subject to conditions, the applicant's request should not adversely impact the neighborhood.

**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 project site is already developed as are the associated facilities. There are a total of twenty (20) parking spaces available on-site for the ground floor commercial tenants. There are also an additional ten (10) parking spaces provided on-site for the commercial tenants that includes one compact stall and six (6) tandem spaces that are not considered code compliant parking under the zoning code. Access to the enclosed parking area is taken from existing driveways located off West California Avenue and Myrtle Street. On July 17, 2019, the Director of Community development approved a parking exception (PPPEX 1911151) to allow the operation of the proposed full-service restaurant without providing the minimum number of required on-site parking spaces (4 space reduction). The parking demand is not anticipated to intensify based on the applicant's request to allow for the on-site sales, service, and consumption of beer and wine at the proposed restaurant. The Circulation Element identifies North Central Avenue as a major arterial, West California Avenue as an urban collector, and Myrtle Street as a local street. These streets are fully developed and can adequately handle the existing traffic circulation around the site. The

applicant's Administrative Use Permit request will not require any new city services, nor will it require any changes to the parking or traffic circulation.

**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 based on the comments submitted by the City of Glendale Police Department, and noted in Finding B above. The sale of beer and wine for on-site consumption that is incidental to food service at the proposed full-service restaurant does not, or will not, tend to encourage, intensify, or otherwise contribute to the adverse impacts on the surrounding area caused by over concentration.
- 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 noted in Finding B above, the crime rate in Census Tract 3018.02 is at 22 percent above the city average for Part 1 crimes. No evidence has been presented which would indicate that the proposed full-service restaurant with the sales, service, and consumption of beer and wine at this location has or would encourage or intensify crime within the district as noted 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). The nearest schools are Columbus Elementary School and Daily Continuation High School, both of which are located approximately one-half mile from the subject property. There are no known churches, private or public school or colleges, day care facilities or hospitals within the immediate area of the proposed full-service restaurant. While residential uses are located on-site and nearby, the project is conditioned to ensure the operation will be in compliance with all applicable federal, state, and local laws.

The applicant's request to allow the on-site sales, service and consumption of beer and wine at the proposed restaurant is not anticipated to adversely impact other neighboring uses in this area.

- 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 noted in Finding D above, the applicant's request is not anticipated to increase the need for public or private facilities. The ancillary service of beer and wine at the proposed full-service restaurant, "La Bella Pinseria Romana," is not anticipated to intensify traffic circulation or parking demand. The proposed use satisfies its transportation or parking needs as described in Finding D above because adequate access and parking are available to serve this use.
- 5) That notwithstanding consideration in subsections 1 through 4 above, the operation of a full-service restaurant with the sales, service and consumption of beer and wine for on-site consumption 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**

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**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 licenses, approvals, and permits as required from Federal, State, County 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, disturbing noise, disturbing 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 will only be on those same licensed areas.

5. That no patrons of the restaurant shall be allowed to bring into the establishment any alcoholic beverage that was purchased from outside of the restaurant, unless the restaurant has an established corkage policy allowing and regulating such.
6. That there shall be no video machine(s) maintained upon the premises.
7. That no live entertainment is permitted without a "Live Entertainment Permit". 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.
8. That music or noise shall be contained within the edifice of the establishment. The business shall comply with all state and local laws and ordinances concerning excessive noise and disturbing the peace.
9. That the front and back doors of the restaurant shall be kept closed at all times while the location is open for business, except in case of emergency.
10. That the establishment (restaurant) that primarily provides for the on-premises sale, serving and consumption of alcoholic beverages and that derives more than fifty (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. That the sale of beer and wine for consumption off the premises is strictly prohibited.
12. That the restaurant shall adhere to the City's Fresh Air Ordinance, Title 15, 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 access to the premises shall be made available to all City of Glendale Planning and Neighborhood Services Divisions, Police Department, and Fire Department staff upon request for the purpose of verifying compliance with all laws and conditions of this approval.
15. That a Business Registration Certificate be applied for and issued for a full service restaurant with on-site sales, service and consumption of beer and wine, subject to the findings and conditions outlined in this decision letter.
16. That any proposed outdoor dining in the Public Open Space shall comply with the standards outlined in Section 7.3.1 of the Downtown Specific Plan and shall obtain a sidewalk dining permit from the City's Public Works Department.

17. That the configuration of the proposed outdoor dining area in the Public Open Space, including number of seats and barriers, shall be to the satisfaction of the Director of Community Development.
18. That the applicant shall post the required open space plaque(s) as required by Section 7.3.1 of the Downtown Specific Plan.
19. That all signs shall require a separate sign permit and shall comply with the approved sign program.
20. That the project shall also comply with the conditions of approval for Parking Exception Case No. PPPEX 1911151.
21. That the authorization granted herein shall be valid for a period of **TEN (10) YEARS, UNTIL OCTOBER 9, 2029**, at which time, a reapplication must be made.

#### **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 **October 23, 2019**, 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 [www.glendaleca.gov/appeals](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.

### **REVOCAION, CONTINUING JURISDICTION**

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over Administrative 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 an Administrative 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 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 Use Permit 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 exception.

**NOTICE – subsequent contacts with this office**

The Applicant is further advised that all subsequent contacts with this office regarding this determination must be with the Case Planner 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 [VEzzati@glendaleca.gov](mailto:VEzzati@glendaleca.gov), between 8:30 a.m. to 5:30 p.m. weekdays.

Sincerely,

Philip Lanzafame  
Director of Community Development



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Bradley Collin  
Planning Hearing Officer

BC: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-(J.Halpert); Dir. Of Public Works (Y.Emrani); 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);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. B.Ortiz/E.Olsen/ M.Navareete/M.Kouassi); Parks, Recreation and Community Services Dept. (T. Aleksanian); Neighborhood Services Division (R.Sada/J.Jouharian/); and case planner – Vista Ezzati.