



CITY OF GLENDALE, CALIFORNIA

Community Development
Planning

633 E. Broadway, Suite 103
Glendale, CA 91206-4311
Tel. (818) 548-2140 Fax (818) 240-0392
glendaleca.gov

June 7, 2021

Steve Kwan
357 East Markland Drive
Monterey Park, CA 91755

**RE: 2418 HONOLULU AVENUE - UNIT 'A'
ADMINISTRATIVE USE PERMIT CASE NO. PAUP 2100848
(Thee Elbow Room)**

Dear Mr. Kwan:

Pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.49, the Community Development Department has processed your application for renewal of an Administrative Use Permit (AUP) to allow the on-site sales, service and consumption of beer (ABC License Type 40) at an existing fast food restaurant (Thee Elbow Room) located at **2418 Honolulu Avenue-Unit 'A'**, in the "CR" - Commercial Retail Zone, described as Portion of Lot 307, Tract No. 1701, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

- (1) A fast food restaurant requires an Administrative Use Permit in the Commercial Retail Zone.
- (2) The sale of alcoholic beverages requires an Administrative Use Permit in the Commercial Retail Zone.

APPLICANT'S PROPOSAL

- (1) To renew an Administrative Use Permit to allow a fast food restaurant in a Commercial Retail Zone.
- (2) To renew an Administrative Use Permit to allow the continued on-site sales, service and consumption of beer at an existing fast food restaurant.

ENVIRONMENTAL DETERMINATION

The project is exempt from CEQA review as a Class 1 "Existing Facilities" exemption, pursuant to State CEQA Guidelines Section 15301(e), because the discretionary permit request is to allow for the continued of on-site sales, service and consumption of beer at an existing fast food restaurant within an existing commercial space 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

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 existing use will be consistent with the various elements and objectives of the general plan.

The continued operation of the fast food restaurant along with the sale of beer and wine for on-site consumption within the restaurant will be consistent with the various elements and objectives of the Glendale General Plan and the North Glendale Community Plan. The project site is located within the Commercial Retail (CR) zone. The General Plan Land Use designation for this site is Regional Center. Goods and services that are offered in this zone generally attract clientele from the adjoining neighborhoods as well as the surrounding community. The Commercial Retail (CR) Zone is intended to accommodate retail shopping and convenience services in the Montrose Shopping Park in conformance with the comprehensive general plan. Montrose Shopping Park provides pedestrian-friendly, destination shopping and dining supported by public parking lots, wide sidewalks and shade trees and draws customers from areas beyond the Crescenta Valley. In addition, continued operation of the restaurant along with beer/wine service would be in keeping with the goal of the North Glendale Community Plan to preserve existing independent, small businesses. The applicant's request to continue to sell beer for on-site consumption within the existing fast food restaurant will be in keeping with the goals of the area to promote business and pedestrian-friendly commercial uses and is appropriate in an area of the city zoned for commercial uses.

The Circulation Element identifies Honolulu Avenue (between La Crescenta Avenue and Montrose Avenue) as an Urban Collector. The predominant land use character is community and regional commercial. 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 Elbow Room is located in a pedestrian oriented area with wide sidewalks. It features outdoor dining adjacent to the sidewalk, which is encouraged in the Montrose Shopping Park.

The Land Use and Circulation Elements are 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 existing fast food restaurant with on-site sales, service and consumption of beer is

consistent with the Noise Element and is not anticipated to increase the existing noise levels beyond the current conditions, as the operation of the restaurant is not proposed to change. 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.

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.

Fast food restaurants and on-site consumption of alcoholic beverages require approved of Administrative Use Permits in this zone. A delicatessen/sandwich shop was in operation at this location for almost 42 years (with outdoor seating for about 36 years) without adversely affecting or conflicting with adjacent uses. The consumption of alcoholic beverages with meals is incidental to the restaurant operation. No private or public improvements are required. The fast food restaurant is surrounded by other complementary businesses, including office, retail and service uses. Residential neighborhoods are located nearby, but do not adjoin the project site. Adequate public and private facilities such as utilities, parking and some landscaping exist. The request to continue to serve alcoholic beverages with food is not anticipated to create any traffic-related negative impacts on these streets and other businesses over and above the existing condition.

According to the Glendale Police Department, the subject property is located in Census Tract 3006, where the suggested limit for on-sale alcohol establishments is eight. Currently, there are 36 on-sale licenses located in this tract, including one held by Thee Elbow Room. The number of establishments serving alcohol will not increase as a result of the application. Based on Part 1 crime statistics for Census Tract 3006 there were 171 crimes in 2020, 2% above the city wide average of 167. Within the last calendar year there were 5 calls for police service at this location, one of which was directly related to alcohol sales. This call advised patrons about drinking at the bar while waiting for food, no report was filed. It is not anticipated that continued on-site consumption of beer at the existing fast food restaurant will contribute to crime in the area.

Approval of the Administrative Use Permit requires that the applicant possess the necessary license from the State Department of Alcoholic Beverage Control. Thee Elbow Room has an active Type 40 liquor license (on-sale beer) #547393. Additionally, 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 continued operation of the restaurant and sale of beer for on-site consumption at the restaurant, will not adversely conflict with adjacent uses or impede the normal development of surrounding property.

The applicant's request does not conflict with adjacent and surrounding land uses and, in fact, this type of use is encouraged in this area. The project site is already fully developed and the subject property is surrounded by other complementary businesses, including retail and service uses, with residential uses in the vicinity.

There are five public facilities within the immediate area of the subject site: Montrose Public Library located at 2465 Honolulu Avenue (0.1 miles to the west); Glendale Fire Station 29 located at 2465 Honolulu Avenue (0.1 miles to the west); United States Postal Service located at 2100 Montrose Avenue (0.4 miles to the northeast); John C. Fremont Elementary School located at 3320 Las Palmas Avenue (0.5 miles to the south); Montrose Community Park located at 3529 Clifton Place (0.6 miles to the southeast). There are three private schools within the immediate area: Armenian Sisters Academy located at 2361 Florencita Drive (0.1 miles to the north); Montrose Christian Montessori located at 2545 Honolulu Avenue (0.1 miles to the west); St. Monica Academy located at 2361 Del Mar Road (0.4 miles to the north). Three churches are located within the immediate area: Christian Science Church located at 2406 Honolulu Avenue (90 feet to the east); Montrose Church located at 2409 Florencita Drive (0.2 miles to the northwest); Holy Redeemer Catholic Church located at 2411 Montrose Avenue (0.4 miles to the north). While these facilities and uses are within close proximity, the applicant's request will not impede the operation of or conflict with such land uses. The project is conditioned to ensure the operation will be in compliance with all applicable federal, state, and local laws.

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 use and are existing. The project site is already developed. The Elbow Room is located within a two-story building completed in 1979. There are a total of 8 parking spaces behind the building with access to the parking lot from an existing 15-foot wide alley, which is located between Wickham Way to the east and Las Palmas Avenue to the west. Additional nearby public parking is provided adjacent to Wickham Way in City Parking Lot 2 (38 spaces), 9-hour on-street parking spaces on Wickham Way (29 spaces), and metered parking on Honolulu Avenue. The Circulation Element identifies Honolulu Avenue (between La Crescenta Avenue and Montrose Avenue) as an Urban Collector. This street is fully developed and has proven to

adequately handle the existing traffic circulation around the site. The operation of the restaurant will not change as a result of the project. The applicant's request to continue operation of the restaurant and the on-site sales, service, and consumption of beer 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. The proposed use is located in a census tract with more than the recommended maximum concentration of on-site uses, but 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. The proposed use is not located in a crime reporting district with a crime rate which exceeds 20 percent of the city average of Part I crimes.
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 fast food restaurant with the on-site sales, service and consumption of beer does serve a public convenience for the area because it would provide beer in conjunction with fast food service at the restaurant for local residents, the surrounding community and region. 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 any expansion or modification of the facility or use which intensifies the existing business shall require a new Administrative Use Permit application. Expansion shall constitute adding floor area, increased hours of operation, changes to the use or operation, or any physical change as determined by the Director of Community Development.

2. That the development shall be in substantial accord with the plans submitted with the application, including 8 on-site parking spaces, 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.
3. 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.
4. That sufficient measures shall be enforced to effectively eliminate interior and exterior loitering, parking congestion, distributing noise, distributing light, loud conversation, and criminal activities.
5. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.
6. 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.
7. That no patron of the restaurant shall be allowed to bring into the establishment any alcoholic beverage that was purchased outside the establishment unless the facility has an established corkage policy allowing and regulating such.
8. 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.
9. 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.
10. 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. The restaurant shall remain open to the public during business hours.
11. That all signs displayed shall conform to the requirements of the Glendale Municipal Code.

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 (**JUNE 22, 2021**) following the actual date of the decision.

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 JUNE 22, 2021 deadline (mailed to Community Development Department – Planning Division, Attention: Roger Kiesel, 633 East Broadway, Room 103, Glendale, CA 91206) OR emailed to the case planner (Roger Kiesel at rkiesel@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:

<https://www.glendaleca.gov/home/showdocument?id=11926>

If you have any questions, please do not hesitate to call me at (818) 937-8152
(email: rkiesel@glendaleca.gov)

Anyone wishing to appeal must contact the case planner to obtain forms and information regarding the appeal process and submittal.

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.

REVOCACTION, CONTINUING JURISDICTION

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over administrative use permits. 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, Roger Kiesel during normal business hours at her direct line (818) 937-8152 or rkiesel@glendaleca.gov, between 8:30 a.m. to 5:30 p.m. weekdays.

Sincerely,
Philip Lanzafame
Director of Community Development



Roger Kiesel
Planning Hearing Officer
RK: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); Traffic & Transportation Section (P.Casanova/Mark Bueno-Traffic Engineer Assoc.); General Manager for Glendale Water and Power (S.Zurn); 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 (R. Villaluna); and case planner-Roger Kiesel