



CITY OF GLENDALE, CALIFORNIA
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division

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September 9, 2013

Shoghig Yepremian
P.O. Box 583
Sierra Madre, CA 91025

**RE: 2517 CANADA BOULEVARD
CONDITIONAL USE PERMIT CASE NO. PCUP 1309247– Beer and Wine
(Leon Cake Studio)**

Dear Ms. Yepremian:

On August 28, 2013, the Planning Hearing Officer conducted and closed a public hearing, pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.42, on your application for a Conditional Use Permit to allow the on-site sales, service, and consumption of beer and wine at an existing retail bakery (restaurant, counter service with limited inside seating), and with sidewalk dining in the public right-of-way, located at **2517 Canada Boulevard**, in the "C1" - Neighborhood Commercial Zone, described as Lot 9, Tract No. 4044, in the City of Glendale, County of Los Angeles.

APPLICANT'S PROPOSAL

Conditional Use Permit

- (1) On-site sales, service and consumption of beer and wine at an existing retail bakery (Leon Cake Studio).

CODE REQUIRES

Conditional Use Permit

- (1) On-site sales, service and consumption of beer and wine at a retail bakery requires a Conditional Use Permit in the "C1" Zone.

ENVIRONMENTAL RECOMMENDATION: California Environmental Quality Act Exemption per Section 15301, Class 1 – Existing Facility.

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.

One of the purposes of the Neighborhood Commercial (C1) zone is to offer a full range of goods and services to the neighborhood, such as a retail bakery with counter service and a maximum of eight seats, in conformance with the City's General Plan. The Land Use Element encourages flexibility in the range and type of services in the "C1" Zone, including alcohol sales with food subject to a conditional use permit approval. Leon Cake Studio has been selling baked products foods since July 2009. The application states that "The current business owner of Leon Cake Studio is requesting the approval of a Conditional Use Permit (CUP) to allow the on site sale, service, and consumption of beer and wine at his existing bakery and café shop." However, at the hearing the applicant not only requested permission to serve beer and wine on-site with meals, but also requested permission for off-sale beer and wine in conjunction with sales of baked goods baskets. The applicant will request a Type 41 license from ABC. No new floor area is proposed nor are changes proposed to the parking space. Sufficient access to the retail bakery parking lot is provided by Canada Boulevard which is identified in the Circulation Element as a major arterial. Canada Boulevard is capable of managing Leon's existing traffic circulation. A condition limiting on-sale beer and wine to be in conjunction with purchase of meals for on-site consumption is not anticipated to increase parking and traffic circulation impacts since this use will be an ancillary service to the existing retail bakery service. This condition would also prevent the bakery from changing into a tavern. Similarly, conditions limiting off-sale beer and wine sales to baked goods baskets for off-site consumption will prevent the bakery from becoming a typical liquor store, of which there is already one on this block. Allowing off-sale beer and wine limited to gift baskets in conjunction with baked goods is not anticipated to increase traffic or parking demand since the bakery already sells baskets of baked goods. Potential noise that may be generated by the facility will be regulated by the City Noise Ordinance, which implements the goals of the Noise Element.

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 associated structures and facilities will not be detrimental to the neighborhood and community because Leon Cake Studio has been operating without incident since 2009. The on-site sales, service and consumption of beer and wine will remain ancillary to the business's food service. The addition of off-site sales of beer and wine only when included as part of baked goods gift baskets will remain ancillary to the business's primary sale of baked goods. The Police Department stated that there are no food businesses selling alcohol in Census Tract 3007.01 where the recommended limit for on-sale is five. The number of Part 1 (felony) crimes in the census tract was 28 percent less than the

city average and that there were no calls for Police service this past calendar year. The Police Department recommended limited hours for selling of beer and wine. The business hours of operation are currently 7:00 a.m. to 10:00 p.m.; however, the applicant is requesting to serve beer and wine from 7:00 a.m. to 2:00 a.m. seven days a week. Due to presence of this business in a "C1", Neighborhood Commercial Zone, proximity to multi-family buildings across Canada Boulevard and the single-family Woodlands neighborhood, and correspondence from at least one neighbor concerned about existing evening noise from the premises, Leon Cake Studio has been conditioned to limit its hours of beer and wine sales for consumption with meals from Sundays 10:00 a.m. to 10:00 p.m.; Monday– Thursday 11:00 a.m. to 10:00 p.m.; Friday 11:00 a.m. to 12:00 a.m.; and, Saturday 10:00 a.m. to 12:00 a.m. to ensure no negative impacts will occur.

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. This neighborhood commercial shopping district within Verdugo Canyon is already developed with retail/service and office uses. Leon Cake Studio has been an established bakery in this neighborhood since 2009 without any major concerns identified by the Police Department and Neighborhood Services Division. The Police Department stated that at all times Leon Cake Studio is open, the service and consumption of beer and wine with meals shall be made only in the areas designated with the Alcohol Beverage Control license, including the sidewalk patio area. A condition has been added requiring that Leon Cake Studio sell beer and wine only in the areas designated by the ABC. The applicant is not proposing any changes to the existing floor plan, sidewalk dining area or parking. The proposal is to provide on-sale, service and consumption of beer and wine only in conjunction with the consumption of meals. Off-sale of beer or wine is permitted only when included as part of a baked goods gift basket. Public Works Engineering has approved an encroachment permit in the public right-of-way to allow sidewalk dining.

A preschool and daycare center and single and multi-family residential dwelling units are located in the immediate area. A letter from the Director of the Learning Stars Infant Care and Pre-school located west of Leon Cake Studio across the alley stated that adding beer and wine to the their food menu will not be a detriment to the neighborhood or to the school. A petition of support was submitted by the applicant on behalf of more than 200 patrons, some of who live in the immediate neighborhood, supporting the sales of beer and wine with meals. As conditioned, it is not anticipated that adding beer and wine as an ancillary service with meals at a retail bakery with counter food service and

limited seating will adversely impact the nearby multi-family and single-family residences. No other sensitive land-uses such as churches, public parks, libraries or hospitals are located in the immediate area. Leon Cake Studio has operated a retail bakery service without incident since its opening. As conditioned, adding beer and wine sales as an ancillary service with meals and off-sale beer and wine limited to baked goods gift baskets would provide a public convenience to the community rather than negatively impacting it.

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. A retail bakery business with restaurant counter service and limited seating has operated in this building as Leon Cake Studio since 2009 without undue burden on the community. One off-site parking space is accessible from the alley to the west and street parking is available on Canada Boulevard. Canada Boulevard to the east and the alley at the west have adequately provided traffic circulation to this business and this commercial district since the 1930s. No City Department submitted concerns related to traffic circulation and parking in the neighborhood.

Furthermore, this request requires that additional findings of fact be made, as follows:

For applications involving the sale, serving or consumption of alcoholic beverages, the following criteria shall be considered in making the findings in subsection A. through D. above:

- 1) That such use does not or will not tend to intensify or otherwise contribute to the adverse impacts on the surrounding area caused by over concentration as described above in finding B.
- 2) That such use does not or will not tend to encourage or intensify crime within the district as described above in finding B.
- 3) That such use does not or will not adversely impact any other uses within the surrounding area (church, public or private schools or college, day care facility, public park, library, hospital or residential use) as described above in finding C.
- 4) That the proposed use satisfies its transportation or parking needs as described above in finding D.
- 5) That the proposed use does or will serve a public necessity or public convenience purpose for the area as described above in finding A and C.

SUMMARY OF PLANNING HEARING OFFICER'S DECISION

The Planning Hearing officer was able to make the required findings for beer and wine service with food sales and in baked goods gift baskets at this location. The existing bakery and restaurant with counter service already serves this community and the addition of beer and wine is anticipated to enhance the existing use. The design of the outdoor patio eating area will be modified to include a glass buffer that will define the patio area and aid in reducing noise impacts upon neighbors. Adding beer and wine service to this bakery and restaurant with counter service is not anticipated to result in an increased traffic because no change will be made to the existing facilities. The addition of beer and wine sales with food and in baked goods gift baskets will serve a public convenience and necessity.

CONDITIONS OF APPROVAL

APPROVAL of this Conditional 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 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 Hearing Officer.
- 2) That all licenses and 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 a new Zoning Use Certificate shall be obtained to reflect the conditional use permit approval (no new fee is required).
- 4) That all necessary permits (i.e., building, fire, engineering, etc.) shall be obtained from the Building and Safety Division, and all construction shall be in compliance with the Glendale Building Code, Fire Code and all other applicable regulations.
- 5) That the retail bakery shall remain open to the public during business hours and shall be operated as an eating place in full accord with applicable State, County, and local laws.
- 6) 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.
- 7) That at all times when the premises are open for business, the service and consumption of beer and wine with meals shall be made only in the areas designated with an ABC license. The sidewalk patio area where patrons are allowed to consume beer and wine shall be clearly roped or fenced off in accordance with ABC and City codes. No patron can take beer and wine outside of the designated area unless it is part of a baked good gift basket.

- 8) That beer and wine shall be the only alcoholic beverages served and they shall be served only in conjunction with the consumption of meals in the areas designated by the ABC license. Beer and wine sales at 2517 Canada Boulevard shall be less than fifty (50) percent of restaurant's gross revenues.
- 9) That no separate bar for the exclusive service of beer and wine shall be installed on the premises.
- 10) That no exterior signs advertising the sales/service of beer and wine shall be permitted.
- 11) That the sales, service or consumption of beer and wine with meals shall be permitted only between the following hours: Monday-- Thursday from 11:00 a.m. to 10:00 p.m.; Friday from 11:00 a.m. to 12:00 a.m.; Saturday 10:00 a.m. to 12:00 a.m.; and, Sunday 10:00 a.m. to 10 p.m.
- 12) That the premise shall remain open to the public during business hours and operated as a retail bakery. The retail bakery may operate as a restaurant with counter service and limited seating as defined in Chapter 30.70 of the Glendale Municipal Code (G.M.C).
- 13) That no patron will be allowed to bring into the retail bakery or maintain in the retail bakery any beer and wine unless that beer and wine was purchased with a meal within that same establishment.
- 14) That the sale of beer and wine for consumption off the premises is only permitted as part of baked goods gift baskets.
- 15) That all music, lighting, noise and odors shall be confined to the occupancy so as not to disturb occupants of other adjacent businesses or properties and patrons on the public right-of-way. The applicant and his staff are responsible for keeping patron noise within acceptable levels, particularly during evenings and weekends in consideration of the surrounding residential neighborhood. The Planning Hearing Officer's opinion shall prevail to arbitrate any conflicts.
- 16) That no live entertainment is permitted.
- 17) That the restaurant shall adhere to the City's Fresh Air (smoking) Ordinance.
- 18) That the back door shall be kept closed at all times during business hours except in case of emergency. No outdoor storage of equipment or materials is allowed. The trash container shall be kept in the building except during trash pick-up.
- 19) That patrons shall not be permitted to remain in the parking area or public right-of-way after closure or to loiter in the parking area or public right-of-way while the business is open.

- 20) 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 make disturbances in the area.
- 21) That any expansion or modification of the facility or use which intensifies the existing conditional use permit shall require a new conditional use permit application. Expansion shall constitute adding floor area, changes to the use or operation, or any physical change as determined by the Planning Hearing Officer, with concurrence from the Director of Community Development.
- 22) That the facilities shall not be rented, leased or otherwise occupied for purposes not specified.
- 23) 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 the conditions of approval.
- 24) The authorization granted herein shall be valid for a period of **FIVE (5) years until SEPTEMBER 9, 2018.**

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 **September 24, 2013**, in the Building and Safety Division, 633 East 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 who acted on this case. This would include clarification and verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **by appointment only**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

Sincerely,



Laura Stotler
Planning Hearing Officer

LS:sm

CC: City Clerk (K.Cortes); Police Dept. (Tim Feeley/Z.Avila); City Attorney's Dept. (G. van Muyden/M.Yun); Fire Prevention Engineering Section-(D.Nickles); City Engineer and Traffic & Transportation Section (Roubik Golanian/G.Tom); Director of Public Works and General Manager for Glendale Water and Power (Stephen Zurn); Glendale Water & Power--Water Section (R.Takidin); Glendale Water & Power--Electric Section (M.Kelley/M.Jackson); Parks, Recreation and Community Services Dept. (Emil Tatevosian); Neighborhood Services Division (A.Jimenez); Integrated Waste Management Admin. (D.Hartwell); Maintenance Services Section Admin. (D.Hardgrove); Street and Field Services Admin.; Environmental Management (M.Oillataguerra); Armine and Hilda Boghossian – owners; A.Azizian; K.Hara; D.Guyer; P.Prange; K.Young; and case planner – Christopher Baxter.