



May 31, 2018

Zorik Yeghikian
DBA Café Corner Bistro
c/o Wil Nieves
21250 Hawthorne Boulevard, #700
Torrance, CA 90503

**RE: 6720 SAN FERNANDO ROAD
ADMINISTRATIVE USE PERMIT NO. PAUP1726028
(CAFÉ CORNER BISTRO)**

Dear Applicant:

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 a full line of alcoholic beverages at an existing full-service restaurant (Café Corner Bistro), with incidental hookah use and outdoor patio, located at **6720 San Fernando Road**, in the "IMU-R" - Industrial/Commercial-Residential Mixed Use Zone, described as Lots 68-72, Portion of Lot 73, Tract No. 4646, where the on-site sales, service and consumption of beer and wine is currently allowed, 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 "IMU-R" - Industrial/Commercial-Residential Mixed Use Zone

APPLICANT'S PROPOSAL

- (1) An administrative use permit to allow the on-site sales, service and consumption of a full line of alcoholic beverages at an existing full-service restaurant.

ENVIRONMENTAL DETERMINATION

The project is exempt from CEQA review per State CEQA Guidelines Section 15301, Class 1 "Existing Facilities" because this application is for an existing restaurant to provide on-site sales, service and consumption of beer and wine at an existing full-service restaurant with meals.

The following findings and conditions of approval are applicable to this project:

REQUIRED/MANDATED FINDINGS

After thorough consideration of the statements contained in the application, the plans submitted therewith, analysis by Community Development Department staff, and comments received from the public with respect to this application, the Planning Hearing Officer **GRANTED WITH CONDITIONS** to allow the on-site sale, service, and consumption of **beer and wine** at the existing full-service restaurant with outdoor dining, with the hours of operation for the full-service restaurant limited to 7:00 a.m. to 2:00 a.m. except for the outdoor patios, which shall

close and be vacated by 10:00 p.m. daily. The sales, service and consumption of beer and wine shall be permitted only between the hours of 10:00 a.m. to closing. The Planning Hearing Officer **DENIED** the request to allow the on-site sale, service, and consumption of a full line of alcoholic beverages. The above decisions are based on the following findings:

A. 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. The site is located at the northwest corner of San Fernando Road and Irving Avenue, designated Community Commercial in the Land Use Element and zoned "IMU-R" – Industrial/Commercial-Residential Mixed Use. The purpose of commercial activity is to provide convenient and available services to residents of the community. Mixed use zones allow for a blending of uses within a single site and recognize that, while commercial activities are permitted, they need to be compatible with residential uses. The full-service restaurant has provided ancillary service of beer and wine for on-site consumption with meals since 2011. The location of this business is adjacent to a residential neighborhood and to a motel and across an alley from a multi-family residential building.

The existing restaurant use with beer and wine with meals is consistent with the General Plan use designations and surrounding uses and is consistent with the zoning code with approval of an administrative use permit. However, expansion to serve a full-line of alcoholic beverages at this facility would not be compatible with the adjacent residential and motel uses given the past history of this operator and location. The Glendale Police Department noted multiple calls for service at this restaurant. Neighborhood complaints related to the restaurant and service of alcohol include patrons vomiting on neighboring residential lawns, smell of smoke in the area, loud noise and loitering in the parking lot and surrounding neighborhood into the late evening hours. Given the location of outdoor patio dining areas, the proximity of residential units and motel rooms to this restaurant, complaints from neighboring residents and businesses about noise, smoke, vomiting in front yards and loitering, and repeated police calls for service related to operation of this restaurant and hookah lounge, conditions of approval have been added to limit hours of the restaurant operation from 7:00 a.m. to 2:00 a.m., to limit the use of the outdoor dining patio hours from 10:00 a.m. to 10:00 p.m. daily, and to limit service of beer and wine to between the hours of 10:00 a.m. and closing daily. In addition, a full-service restaurant with beer and wine service with meals will serve the public convenience for this area because it serves local residents, businesses and travelers, maintains service of beer and wine, and reduces the time patrons can use the outdoor patio which should minimize outdoor noise affecting nearby residents and businesses. Conditions of approval are included to ensure that the use will not adversely affect adjacent residences and businesses.

B. 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. The Police Department states that Café Corner Bistro is located in Census Tract 3016.01, which allows for five on-sale establishments. There are currently nine on-sale establishments in this tract. Café Corner Bistro is one of the existing nine establishments. Therefore, the amount of alcoholic beverage sales licenses in this census tract would exceed the recommended limit of on-sale licenses. However, since the primary use is a restaurant and the sale of beer and wine is already permitted in conjunction with food service, approval of this Administrative Use Permit to continue the on-sale service and

consumption of beer and wine will not tend to contribute to the adverse impacts on the surrounding area caused by this level of over concentration. This grant approves the continued service of beer and wine at the full-service restaurant. The request for expansion to allow full-service of alcoholic beverages is denied.

The Police Department states that this full-service restaurant is located in a crime reporting district that exceeds the City average for Part 1 crimes (284 crimes, a crime rate 158% above the city average of 180 crimes). The Police Department notes that 11 non-felony crimes calls were received for police service at this location within the last calendar year. In the past, the operators were instructed to correct safety and zoning issues including, but not limited to, Fresh Air Ordinance (smoking) violations. Conditions of approval are included to address concerns with safety, noise and compliance with the City's Fresh Air Ordinance.

C. 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.

The use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property. It is anticipated that Café Corner Bistro will have a detrimental effect on the community with the change to a full-line of alcoholic beverages in conjunction with the full-service restaurant. Therefore, service of a full-line of alcoholic beverages is denied. However, the continued on-sale service and consumption limited to beer and wine in conjunction with service of meals at the restaurant is approved. This property, used as a restaurant for 55 years, has proven to have generated numerous complaints from the surrounding residences and businesses in the area including neighborhood complaints associated with consumption of beer and wine. The Glendale Police Department has also received eleven calls for service within the past years, with several of these complaints, such as disorderly conduct and fights typically associated with alcohol consumption. These neighborhood complaints include loitering into late hours, noise, fights and vomiting on neighborhood lawns. Hours of restaurant operation and operation of the outdoor patio have been modified to address neighboring residential and business impacts from the restaurant and the restaurant is approved to continue service of beer and wine with meals within the hours and location specified. The use of the building will continue in a similar manner with service of beer and wine. No expansion to allow a full-line of alcoholic beverages is approved. Customer service hours for the full-service restaurant are proposed to be limited to 7:00 a.m. to 2:00 a.m., except for the outdoor patio which shall close at 10:00 p.m. daily, and service of beer and wine is limited to the hours of 10:00 a.m. to closing. The use will not adversely affect or conflict with adjacent residential and motel uses with the restriction on hours of operation and by limiting alcohol on-sale, service and consumption to beer and wine. Additionally, the operation will be in compliance with the Fresh Air Ordinance so as to not conflict with adjacent uses.

No schools or day care facilities are known to be located within the vicinity of the project site. The conditions of approval provide for an on-site security guard during evening hours to ensure that there are no impacts. Hours of use limits for the patio and business operations address noise impacts.

D. Adequate public and private facilities such as utilities, landscaping, parking spaces and traffic circulation measures are provided for the use.

Adequate public and private facilities such as utilities, landscaping and traffic circulation measures are and will be provided for the existing restaurant. An expansion of alcohol service to include a full line of alcoholic beverages may increase noise, loitering, traffic and

parking impacts to the surrounding residential neighborhood based on the complaints received by the existing restaurant operation and service of beer and wine. Conditions have been added to limit the hours of restaurant operation and to limit alcohol service to beer and wine. The surrounding neighborhood is developed with adequate public and private facilities and infrastructure. The twenty-four (24) existing parking spaces have proven to be sufficient for the existing restaurant use, and no changes are anticipated to parking demand by maintaining beer and wine service at the restaurant. San Fernando Road is identified as a Major Arterial, Irving Avenue is designated as a local street, and there is an alley to the north of the site. All of these adequately handle existing traffic circulation around the site. Continuation of the restaurant service with beer and wine sales with meals is not anticipated to intensify traffic circulation and parking demand.

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 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 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 evidenced by the operation of this restaurant with alcoholic beverage on-site sales, service and consumption as described above in finding A.

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 Planning Hearing Officer.
2. 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.
3. That access to the premises shall be made available upon request to all City of Glendale authorized staff (i.e. Community Development Department, Neighborhood Services section, Building and Safety division, Fire Department, Police Department, etc.) for the purpose of verifying compliance with all laws and the conditions of this approval.

4. That the hours of operation for the full-service restaurant shall be limited to 7:00 a.m. to 2:00 a.m., except for the outdoor patios which shall close and be vacated by 10:00 p.m. daily. The on-site sales, service and consumption of beer and wine with meals shall be permitted only between the hours of 10:00 a.m. to closing. The patio hours shall be posted outside by the patios.
5. That all outstanding Fire Inspection violations shall be corrected, including but not limited to, obtaining an assembly permit, industrial waste permit, installing panic hardware on the rear door, servicing the kitchen hood and fire extinguisher, and obtaining a flame retardant certificate for the drapes. The applicant shall maintain the premises in accordance with Fire Department standards and regulations at all times.
6. That the full-service restaurant shall adhere to the City's Fresh Air (smoking) Ordinance. The permitted smoking area shall be properly designated and posted. A site plan showing permitted places of employment and permitted smoking area shall be submitted to the satisfaction of the City's Fresh Air Ambassador and such approved plan shall be posted on-site at the cashier area.
7. **That no smoking of any kind is permitted on the west patio** (adjacent to Irving Avenue) because this entire area is within the non-smoking setback area from the restaurant's employee door to the west patio. The storage shed by the east patio is a "place of employment" under the City's Fresh Air Ordinance and no portion of the east patio is outside the required setback from a "place of employment."

Smoking shall be permitted in limited areas on the east patio when all of the following occur:

- a. **The shed shall be removed, and**
 - b. **The required minimum setbacks from a "place of employment" shall be met for this patio and site plan showing the permitted smoking area shall be approved by the City's Fresh Air Ambassador, and**
 - c. **A clear separation shall be made between smoking and non-smoking areas, with at least ten feet provided between non-smoking and smoking tables, and all smoking tables shall be marked, and**
 - d. **The use of hookah shall be limited to those tables designated as smoking permitted on the approved site plan.**
8. That no patron shall be allowed to bring into any establishment or maintain in the establishments, any alcoholic beverage.
 9. That no video games shall be maintained upon the premises.
 10. That no separate bar for the sales, service and consumption of beer and wine shall be installed on the premises.
 11. That service of alcoholic beverages shall be limited to beer and wine served in conjunction with the consumption of food.
 12. That the sale and serving of beer and wine shall be for consumption on the premises only.
 13. That no exterior signs advertising the sales/service of beer and wine shall be permitted.

14. That live entertainment shall be restricted to a single guitar player or DJ, upon approval of a live entertainment permit.
15. That music or noise shall be contained within the building. The business shall comply with all state and local laws and ordinances concerning excessive noise and disturbing the peace.
16. That at least one security guard shall be on the premises at all times after dark while employees are on the premises for the purpose of maintaining compliance with the conditions of approval, including but not limited to smoking, noise, patio hours and parking lot safety. The applicant shall add additional security guards as warranted to maintain a safe and code compliant establishment, including the parking lot.
17. That the back doors of the establishment shall be kept closed at all times while the location is open for business, except in case of emergency.
18. That the facilities shall not be rented, leased or otherwise occupied for purposes not specified.
19. That the premises shall remain open to the public during business hours as a full-service restaurant as defined in Chapter 30.70 of the Glendale Municipal Code (G.M.C).
20. That any expansion or modification of the facility or use which intensifies this Administrative Use Permit shall require a new Administrative 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.
21. 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 (ABC).
22. That the authorization granted herein shall be valid for a period of **FIVE (5) YEARS, UNTIL MAY 31, 2023.**

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 City Council 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 **June 15, 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.

REVOCAION, CONTINUING JURISDICTION

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over administrative use permits, 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 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 30.4 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, Kathy Duarte at (818) 937-8163 or kduarte@glendaleca.gov

Sincerely,

Philip Lanzafame
Director of Community Development



Laura Stotler
Principal Planner
Planning Hearing Officer

LS:KD:sm

CC: City Clerk (K.Cruz); Police Dept. (A.Jenks/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/T.Dodson); Street and Field Services Admin.; Engineering and Environmental Management (C.Chew/R. Villaluna); and case planner –Kathy Duarte.