

June 26, 2018

Armik Shahnazarians
639 West Broadway
Glendale, CA 91204

**RE: ADMINISTRATIVE USE PERMIT NO. PAUP 1623453
734-738 NORTH GLENDALE AVENUE
(CAFÉ BAHAR)**

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 continuation and expansion of alcoholic beverages including the on-site sales, service and consumption at the existing full-service restaurant expanding into the adjacent 994 square-foot tenant space, located at **734-738 North Glendale Avenue**, in the "C2"- 1" - Community Commercial Zone - Height District I, described as Portion of Lots 33 and 34, Tract No. 4658, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

Sales, service and on-site consumption of alcoholic beverages requires an administrative use permit in the "C2" - Community Commercial zone.

APPLICANT'S PROPOSAL

An administrative use permit to allow the continuation and expansion of alcoholic beverages including the on-site sales, service and consumption at an existing full-service restaurant expanding into the adjacent 994 square-foot tenant space.

ENVIRONMENTAL DETERMINATION

The project is categorically exempt from CEQA review as a Class 1 "Existing Facilities" exemption pursuant to State CEQA Guidelines Section 15301 because the project involves an expansion to an existing use, which results in less than 10,000 square feet and all existing utilities are in place to serve the building and the project is not located in an environmentally sensitive area.

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, the above analysis by Community Development Department staff, and any comments received from the public with respect to this application, this Administrative Use Permit application is **APPROVED WITH CONDITIONS**, based on the following:

A. That the proposed use will be consistent with the various elements and objectives of the general plan.

Café Bahar, a full-service restaurant, is requesting to allow the continuation and expansion of the on-site sales, service and consumption of alcoholic beverages into the adjacent 994 square-foot tenant space. According to City records, Café Bahar has operated a full-service restaurant at this location since 2001. The most recent conditional use permit (PCUP 2011-015) was issued on September 7, 2011.

The subject site is located in the "C2" – Community Commercial zone subject to approval of an Administrative Use Permit and is consistent with the various elements of the General Plan. Goods and services offered in this zone generally attract clientele from the adjoining residential neighborhoods as well as the surrounding community. The continuation and expansion of the restaurant's on-site sales, service and consumption of alcoholic beverages into the adjacent 994 square-foot tenant space will be consistent with the elements and objectives of the General Plan because the project site is already developed and the applicant's request is to continue and expand its ancillary service of alcoholic beverages. The project site is surrounded by other complementary businesses, including other restaurant uses, retail, personal and service type uses, etc. There are residential neighborhoods across the alley to the east and to the west along Glendale Avenue. Other elements of the General Plan, including Open Space, Recreation, Housing, and Noise Elements, will not be impacted as a result of the applicant's request. While the project will result in a 994 square-foot floor area expansion, there are 23 existing on-site parking spaces to serve the restaurant that, with the recordation of the lot tie or covenant, would adequately serve the 994 square-foot expansion of the restaurant and alcohol beverage sales, service and consumption. The applicant's request to allow the continuation and 994 square-foot expansion of the restaurant and its ancillary service of on-site sales, service and consumption of alcoholic beverages is not anticipated to create any negative traffic-related impacts on North Glendale Avenue over and above the existing conditions.

The land use designation of the site is Community Commercial. One of the purposes of this designation is to accommodate shopping and convenience services for the community. The existing use, a full-service restaurant, is consistent with the intent of the Community Commercial land use designation to have service, restaurants and pedestrian-oriented activities along major Arterials or thoroughfares as is the case with North Glendale Avenue. The on-site sales, service and consumption of alcoholic beverages is a common ancillary use for this type of business. Residential uses exist across the alley to the east and on the west side of the Glendale Avenue. Given that the project site is already developed and the administrative use permit application only requests to continue and expand the restaurant while providing the on-site sales, service and consumption of alcoholic beverages, other elements of the General Plan, including the Open Space, Recreation, Housing and Noise Elements, will not be impacted as a result of the project.

B. That the use and its associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment.

The continuation and expansion of Café Bahar while providing the on-site sales, service and consumption of alcoholic beverages and its associated structures and facilities would not be detrimental to the public health or safety, the general welfare, or the environment.

The continued operation and 994 square-foot expansion of the existing full-service restaurant including its ancillary service of alcoholic beverages will not present negative impacts. In fact, the existing service of alcoholic beverages has not posed any problems since the opening of this restaurant in 2001. Café Bahar is located in census tract 3010, which allows for four on-sale establishments. While there is currently one on-sale establishment in this tract and Café Bahar would increase the total to two, in the past, Café Bahar's alcohol license was one of the on-sale establishments included in this tract. However, because Café Bahar's previous ABC license "auto revoked" in March 2018, the applicant is required to reapply for a new license. The increase of the number of on-sale establishments by one is minor. The current administrative use permit application is required for restaurant's renewal and its expansion only. The project site is located in a commercial area along North Glendale Avenue where a restaurant use is encouraged. Additionally, restaurants frequently serve alcoholic beverages as part of their food service. Based on Part 1 crime statistics for this census tract, there were 122 crimes, 67 percent below the citywide average of 180. Within the last calendar year the Glendale Police Department did not receive calls for service at this location. Overall, the Police Department and the Neighborhood Services Division did not have major concerns related to this request, the number of establishments servicing alcohol or the amount of crime. Comments received from the Neighborhood Services division include a complaint regarding noise and loud music at the restaurant. Recommended conditions of approval will mitigate this reported concern.

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. It is not anticipated that continuation and expansion of the existing restaurant and its ancillary alcoholic beverage service will be detrimental to existing nearby residential uses. Although multi-residential uses are located east of the restaurant, they are separated by a public alley. In addition, the required six-foot high fence and landscaped area adjacent to the fence would act as buffer from the residential use to the east. The service of alcoholic beverages at the existing full-restaurant will continue to be an ancillary service of the primary use. The restaurant is located in a heavily developed commercial street, Glendale Avenue, which is home to a variety of commercial establishments including retail/services, restaurants, and offices. There are similar uses in the existing vicinity that have an alcohol beverage component that have proven not to be disruptive or detrimental to nearby residential and commercial uses. The residential uses located immediately east and across the west side of Glendale Avenue have not and will not be impacted by the restaurant's request to continue and expand its ancillary service of alcoholic beverages. While comments received from the Neighborhood Services division include a complaint regarding noise and loud music at the restaurant, recommended conditions of approval will mitigate this reported concern and ensure that the on-site sales, service and consumption of alcoholic beverages will not become nuisances nor be detrimental to the public.

The existing and proposed expansion of the full-service restaurant while providing the on-site sales, service and consumption of alcoholic beverages will not adversely impact existing facilities or normal development within the surrounding area. The property is zoned for various types of commercial uses. The use falls under the restaurant use

category, and the existing restaurant has operated at its present location since 2001 without incident. There is a public school, Woodrow Wilson Middle School, located approximately 0.6 miles southeast of the subject site. However, it is not anticipated that the request to continue to provide and expand its ancillary service of alcoholic beverages at the existing restaurant will be detrimental to the nearby school given its distance. The proposed use fits in well with the existing surrounding commercial land uses.

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 are provided for the existing structure and the use. Although the proposal includes the expansion of the restaurant into the adjacent 994 square-foot tenant space, the existing and remaining 23 on-site parking spaces are sufficient to accommodate the existing restaurant and the expansion and will not result in inadequate parking with the condition to tie the adjacent lots, which includes the drive aisle, backup distance and driveway to the parking. The site is in a fully developed commercial area with all required utilities such as gas, electricity, water, sewers, and landscaping, are already in place. Glendale Water and Power did not cite any concerns related to providing service to the project.

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 such use will not tend to intensify or otherwise contribute to the adverse impacts on the surrounding area caused by over concentration. The Glendale Police Department noted no concerns with this proposal.
- 2) That such use will not tend to encourage or intensify crime within the district. No evidence has been presented which would indicate that the existing restaurant's request to continue and expand into the adjacent 994 square-foot tenant space while provide the on-site sales, service and consumption of alcoholic beverages at this location has or would encourage or intensify crime within the district.
- 3) That such use 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). There is one public school located approximately 0.6 miles southeast of the subject site, but not adjacent to the subject site. While residential uses are within close proximity to the existing restaurant, the continuation and expansion of the restaurant's ancillary service of alcoholic beverages has not proven to or is expected to impact those uses. Additionally, the project is conditioned to ensure the function of this full-service restaurant with its ancillary service of alcoholic beverages complies with all municipal codes and state law. The continued sales of alcoholic beverages for on-site consumption and expansion of the use into the adjacent 994 square-foot tenant space is not anticipated to adversely impact other neighboring uses in this area.

- 4) That the use satisfies its transportation or parking needs as described above because adequate parking spaces are available to serve this use.
- 5) That the use will serve a public necessity or public convenience purpose for the area as evidenced by the demand for restaurant establishments or similar uses with an alcoholic beverages component to sell alcoholic beverages for on-site consumption in the north Glendale area.

CONDITIONS OF APPROVAL

APPROVAL of this Administrative Use Permit shall be subject to the following conditions:

1. That the use 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 any expansion or modification of the facility or use which intensifies the existing administrative use permit shall require a new administrative use permit application. Expansion shall constitute additional floor area, increased hours of operation, or any physical change as determined by the Planning Hearing Officer, with concurrence of the Director of Community Development.
3. 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.
4. That the premises be maintained in a clean and orderly condition, free of weeds, trash and graffiti.
5. That the restaurant shall comply with the "Fresh Air (Smoking) Ordinance."
6. That sufficient measures shall be enforced to effectively eliminate interior and exterior loitering, parking congestion, disturbing noise, disturbing light, loud conversation, and criminal activities.
7. That adequate means be provided for the collection of solid waste generated at the site and that all recyclable items are collected and properly disposed of to the satisfaction of the Integrated Waste Administrator of the City of Glendale.
8. That all music, lighting, noise and odors shall be confined to the occupancy so as not to disturb occupants of other businesses or properties and patrons on the public right-of-way. No music or live entertainment shall be allowed within the outdoor dining area. In addition, no outdoor speakers, bells, horns, signals, or other noise producing devices shall be permitted in the outdoor dining area that create sounds that are audible off-site. The business shall comply with all state and local laws and ordinances concerning excessive noise and disturbing the peace.
9. That no separate bar area to serve alcoholic beverages shall be permitted inside the restaurant.

10. That no exterior signs advertising the service of alcoholic beverages shall be permitted inside the restaurant.
11. That the sale of alcoholic beverages at the restaurant shall be incidental to serving food.
12. That the sales, service and consumption of alcoholic beverages shall be permitted only between the hours of 11:00 a.m. to 12:00 a.m. each day of the week.
13. That the premises shall be made available and accessible to any authorized City personnel (Fire, Police, Neighborhood Services, Community Development, etc.) for inspection to ascertain that all conditions of approval for this administrative use permit are complied with.
14. That no patron will be allowed to bring into the establishment or maintain in the establishment, any alcoholic beverage unless that alcoholic beverage was purchased within the same establishment, unless the facility has an established corkage policy allowing and regulating such.
15. 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 in those same licensed areas.
16. That the restaurant shall remain open to the public during business hours.
17. That the full service restaurant may not be utilized for banquet hall, private parties, or other events, unless less than 30 percent of the serving area is made available for private party rental where access by the general public is restricted.
18. That there shall be no video or arcade type machine maintained upon the premises.
19. That neither live entertainment nor dancing is permitted upon the premises without appropriate permits.
20. That the sale of alcoholic beverages for consumption off the premises is strictly prohibited.
21. That the establishment shall not be used as a tavern. Taverns include bars, pubs, cocktail lounges and similar establishments. Any establishment serving alcoholic beverages which has a dance floor of greater than 200 square-feet is considered a nightclub and is not allowed under this permit.
22. That the outdoor dining area shall remain open only until 12:00 a.m. on Fridays and Saturdays, and until 10:00 p.m. all other days. The outdoor dining area shall be closed for public use after the set hours.
23. That condition number 29 from Conditional Use Permit Case No. PCUP 2011-015 which required a six-foot high solid wood fence shall be provided along the eastern boundary of the outdoor dining area. The location of the existing solid fence shall be moved 18-inches to the west (closer to the existing restaurant building) to provide space for landscape screening that shall include a solid minimum four-foot high hedge between the outdoor dining area and the existing parking spaces adjacent to the public alley. This additional landscape screening shall be maintained in perpetuity by the business operator.

24. That a Lot Tie or Covenant and Agreement be executed holding all properties used for the restaurant use and parking (including, but not limited to common drive aisles, backup areas and/or driveways, and access to the parking spaces) necessary to support the restaurant use be held as one for the life of the restaurant use on site. Proof of execution and recordation shall be required.
25. That no expansion of the outdoor dining area shall be permitted without first securing additional parking.
26. That no roof or permanent covering of any type shall be installed over the existing outdoor dining area and any that exists as of the filing of the administrative use permit shall be promptly removed.
27. That the authorization granted herein shall be valid for a period of **TEN (10) YEARS, UNTIL JUNE 26, 2028.**

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 **JULY 11, 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.

REVOCACTION, 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, Milca Toledo at (818) 937-8181 or mitoledo@glendaleca.gov

Sincerely,

Philip Lanzafame
Director of Community Development



Erik Krause
Planning Hearing Officer

EK:MT: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 –Milca Toledo.