



CITY OF GLENDALE, CALIFORNIA
Community Development
Planning

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October 21, 2019

Shoghig Yepremian
Yepremian Consulting Inc
P. O. BOX 583
Sierra Madre, CA 91025-583

**RE: 2519 CANADA BOULEVARD
ADMINISTRATIVE USE PERMIT NO. PAUP 1825332
(Leon's Café and Lounge)**

(SEE: 2517 CANADA BOULEVARD - ADMINISTRATIVE USE PERMIT
NO. PAUP 1825323)

Dear Ms. Yepremian:

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 for on-site sales, service and consumption of beer and wine at a new full-service restaurant (Leon Café and Lounge) with sidewalk dining in the public right-of-way in the "C1" - Neighborhood Commercial Zone, located at **2519 Canada Boulevard**, described as Lot 9, Tract No. 4044, in the City of Glendale, in the County of Los Angeles.

CODE REQUIRES

- (1) The sales, service and on-site consumption of beer and wine requires an Administrative Use Permit, in the "C1" Zone.

APPLICANT'S PROPOSAL

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

ENVIRONMENTAL DETERMINATION

The project is exempt from CEQA review as a Class 1 "Existing Facilities" exemption pursuant to State CEQA Guidelines Section 15301 because this application is for the continued on-site sales, service, and consumption of alcohol at a new full service restaurant. There are no proposals to add floor area to the building.

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 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 based on the following:

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

That the proposed use will be consistent with the various elements and objectives of the General Plan. The previous use of the subject site was a counter service restaurant. The applicant is converting this use to a full service restaurant. The on-site sales, service and consumption of beer and wine at a full-service restaurant would be consistent with the General Plan. The zoning designation for the subject property is C1(Neighborhood Commercial), and the General Plan Land Use designation is Commercial – Neighborhood. The purpose of the C1 zone is to encourage small shopping centers, professional buildings, service centers and other commercial activities, which provide convenience goods and services to the surrounding residential neighborhood. The subject site is bounded by commercial uses to the north and south, multi-family residences to the east (across Canada Boulevard), and a daycare and multi-family residences to the west (across the alley).

The adjacent neighborhood to the west contains mostly single-family homes. The applicant's request is appropriate for subject location, as it complements the neighboring C1 zoned properties and provides a public convenience to the surrounding residential neighborhoods with a full-service restaurant that includes ancillary service and consumption of beer and wine in conjunction with a meal. The project includes outdoor dining. Conditions of approval have been included to ensure compliance with laws concerning excessive noise and, therefore, the project will be consistent with the Noise Element. Since the administrative use permit application only involves the sales of alcoholic beverages at a full-service restaurant, other elements of the General Plan, including the Open Space, Recreation and Housing 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.

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 project has been reviewed by the Police Department and the Divisions of Neighborhood Services and Planning within the Community Development Department to identify potential negative impacts of the project.

The sales of beer and wine will be incidental to the primary full-service restaurant use and conditions have been added to prevent this restaurant from changing into a tavern, banquet hall or nightclub, all of which may have different and potentially detrimental impacts. Fewer negative impacts are generally expected when alcohol service is provided with food at a full-service restaurant compared to alcohol service at a tavern, which, by definition, predominantly sells alcohol.

According to the Glendale Police Department, the subject property is located in census tract 3007.01, where five on-sale establishments are recommended. The Glendale Police Department reports there are currently two on-sale licenses within this tract, of which Leon Café and Lounge is one. Based on arrests and Part 1 crime statistics for this census tract, there were 68 crimes, 62 percent below the citywide average of 180. The Police Department noted four calls for police service to the subject location in 2018 relating to noise and petty theft. This Department did not express major concern regarding the applicant's request. The noise complaints raise planning concerns, and in conjunction with the Police Department, several conditions have been incorporated into approval of the project to ensure there are no negative impacts to the public health, safety, general welfare, or the environment. These conditions include limiting hours of operation and the serving of beer and wine in the outdoor seating area.

C. That the use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property.

The subject site is bounded by commercial uses to the north and south, multi-family residences to the east (across Canada Boulevard), and a daycare and multi-family residences to the west (across the existing alley). Within a half mile radius of the subject site, there are two public parks (Catalina Verdugo Adobe and Glorietta Park), a pre-school/daycare center (Learning Stars Infant Care and Pre-school) and a church (Glendale Grace Church). West of the subject site is a single-family residential neighborhood. A number of letters regarding the project were also received, most of which were in opposition to the project. A letter from the Director of the Learning Stars Infant Care and Pre-school, located west of subject site across the alley, stated that the additional service of beer and wine to the full-service restaurant will not be a detriment to the neighborhood or to the school. A petition of support was submitted by the applicant on behalf of 50 patrons, some of whom live in the immediate neighborhood, supporting the sales of beer and wine with meals.

The application was routed to various departments and divisions within the city requesting comments regarding this request. The Neighborhood Services Division reported that the subject operator's previous business, Leon Bakery Café, had

violated several conditions of approval of Conditional Use Permit No. PCUP 1309249 during the year 2014/2015. The cited violations were regarding the sales, service and consumption of beer and wine individually (not in conjunction with a meal), beer and wine sales outside the hours conditionally approved, smoking on premises and in violation to the City's Fresh Air (smoking) Ordinance, and unpermitted modifications to the subject building, as well as the adjacent building (2519 Canada Boulevard), combining the floor plans and operating both buildings as a single operation. Since 2015, there have been no other issues cited at the subject location by the Neighborhood Services Division. The unpermitted modifications to both buildings have been removed and returned to its previous permitted floor plan layouts.

No other major comments were received from the other various city divisions/departments regarding this request.

The full-service restaurant is located on the east side of Canada Boulevard in the C1 zone. As previously mentioned, this zone targets neighborhood-serving businesses and is the lowest intensity commercial district. The neighborhood surrounding the subject site reflects this – the restaurant is located in a small commercial center with parks, a school, a church and, most prominently, residential uses nearby. As conditioned, the use will be consistent with the intentions of the C1 zone and it is not anticipated that adding beer and wine as an ancillary service with meals at a full-service restaurant will adversely impact the surrounding neighborhood.

D. That adequate public and private facilities such as utilities, landscaping, parking spaces and traffic circulation measures are or will be provided for the proposed use.

Adequate utilities, landscaping, parking spaces and traffic circulation measures are provided for the proposed use. The subject property is approximately 2,250 square-feet in size and developed with a 1,600 square-foot commercial building. Utilities including water, electricity and sewer and trash are currently provided for the existing restaurant use. The subject building was reconstructed in 1989, due to earthquake damage, with a zero street front setback and two parking spaces at the rear. The subject building has housed commercial uses for the past 30 years.

The applicant proposes to change the use of the building on the subject site from a counter service restaurant to a full service restaurant. While parking requirements for a full service restaurant (10 spaces per 1,000 square-feet of floor area) are more than the requirements for a counter service restaurant (4 spaces per 1,000 square-feet of floor area), the Zoning Code prescribes that tenant spaces of less than 2,000 square-feet can change out counter service restaurants for full-service restaurants without providing additional parking. The applicant's request for beer and wine

service in conjunction with food service is not expected to create additional negative parking or traffic-related impact, as it is ancillary use to the primary restaurant use. The existing building on the site occupies a majority of the property and there is no on-site landscaping.

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 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 findings C.
- 4) That the proposed use satisfies its transportation or parking needs as described above in finding D.
- 5) That, notwithstanding consideration of the criteria in subsections 1 through 4 above, alcoholic beverage sales, service and on-site consumption serves a public convenience for the area. The applicant's request for the on-site sales, service and consumption of beer and wine at a new fast food restaurant serves a public convenience because it serves local residents, businesses and the surrounding community. Conditions placed on the approval of the project will ensure that it will not adversely impact business and residential uses.

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 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 Director of Community Development.

- 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 adding floor area, changes to the use or operation, or any physical change as determined by 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 a Business Registration Certificate be applied and issued for a new full-service restaurant with the on-site sales, service and consumption of beer and wine, subject to the findings and conditions outlined by this Administrative Use Permit.
- 5) That all necessary permits (i.e., building, fire, engineering, etc.) shall be obtained from the Building and Safety Division, Permit Services Center and all construction shall be in compliance with the Glendale Building Code, Fire Code and all other applicable regulations.
- 6) That the full-service restaurant shall remain open to the public during business hours and shall be operated as a full-service restaurant in full accord with applicable State, County, and local laws.
- 7) 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.
- 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 Alcoholic Beverage Control (ABC) license. Beer and wine sales shall be less than fifty (50) percent of restaurant's gross revenues or the business shall be defined as a tavern under the Zoning Code, and will require the approval of a Conditional Use Permit.
- 9) 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 shall take beer and wine outside of this area.
- 10) That no separate bar for the exclusive service of beer and wine shall be installed on the premises.
- 11) That no exterior signs advertising the sales/service of beer and wine shall be permitted.

- 12) That the sales, service or consumption of beer and wine with meals shall be permitted between the hours of 11:00 a.m. and 10:00 p.m. seven days a week.
- 13) That the premise shall remain open to the public during business hours and operated as a full service restaurant.
- 14) That no patron will be allowed to bring into the full-service restaurant any beer and wine that was purchased from outside the restaurant unless there is an established corkage policy allowing and regulating this.
- 15) That the sale of beer and wine for consumption off the premises is strictly prohibited.
- 16) 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.
- 17) That no live entertainment is permitted.
- 18) That the restaurant shall adhere to the City's Fresh Air (Smoking) Ordinance.
- 19) 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.
- 20) That patrons shall not be permitted to loiter in the parking area or public right-of-way while the business is open.
- 21) 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.
- 22) That signs adjacent to the exits of the building shall be posted stating noise or other disturbances should be kept to a minimum given the primarily residential neighborhood surrounding it. Exact language for these signs shall be reviewed and approved by the Planning Hearing Officer prior to their installation.
- 23) That the facilities shall not be rented, leased or otherwise occupied for purposes not specified.
- 24) That access to the premises shall be made available to all City of Glendale Planning Division, 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.

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 **November 5, 2019** at the Permit Services Center (PSC), 633 East Broadway, Room 101, Monday thru Friday 7:00 a.m. to 12:00 p.m., or at the Community Development Department (CDD), 633 East Broadway, Room 103, Monday thru Friday 12:00 p.m. to 5 p.m.

APPEAL FORMS available on-line: <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.

REVOCATION, CONTINUING JURISDICTION

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over Administrative Use Permits (individual cases heard and decided upon by the Planning Hearing Officer).

To consider the revocation, the Planning Hearing Officer shall hold a public hearing after giving notice by the same procedure as for consideration of 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 30.4 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

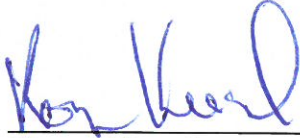
An Administrative Use Permit may be terminated by the review authority upon any interruption or cessation of the use permitted by the Administrative Use Permit for one year or more in the continuous exercise in good faith of such right and privilege.

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, Dennis Joe at (818) 937-8157 or djoe@glendaleca.gov.

Sincerely,
Philip Lanzafame
Director of Community Development



Roger Kiesel
Planning Hearing Officer

RK:DJ:sm

CC: City Clerk (K.Cruz); Police Dept. (J.Newton/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(J.Halpert); Dir. Of Public Works (Y.Emrani); Integrated Waste Management Admin. (D. Hartwell); Maintenance Services Section Admin. (D. Hardgrove); Street and Field Services Admin.; Engineering and Environmental Management (C.Chew/R. Villaluna); Traffic & Transportation Section (P.Casanova); General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power-- Water Section (G. Tom/S. Boghosian/R.Takidin); Glendale Water & Power-- Electric Section (B. B.Ortiz/E.Olsen/ M.Navareete/M.Kouassi); Parks, Recreation and Community Services Dept. (T. Aleksanian); Neighborhood Services Division (R.Sada/J.Jouharian/); Y.Asstourians; B.Azarian; C.Blatchford; R.Coles; D.Herbst; L.Lewis; S.Matevosian; S.Moore; C.Jurca-Verdugo Woodlands West HOA; K.Gharibian; and case planner – Dennis Joe.