



CITY OF GLENDALE, CALIFORNIA

Community Development
Planning

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glendaleca.gov

February 7, 2023

Gerard Marini
3436 Foothill Blvd. #A
La Crescenta, CA 91214

RE: 3436 Foothill Blvd. #A
ADMINISTRATIVE USE PERMIT CASE NO. PAUP-2200729
(France Cafe)

Dear Mr. Marini:

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 (AUP) to allow the sales, service, and on-site consumption of alcoholic beverages (ABC License Type 41) at an existing restaurant (France Café) located at 3436 Foothill Blvd. #A, in the CH (Commercial Hillside) zone, described as Parcel Map as per BK 71 PG 15 of P M Lot B, (APN: 5606-018-022), in the City of Glendale, County of Los Angeles.

CODE REQUIRES

- 1) The sale of alcoholic beverages requires approval of an Administrative Use Permit in the CH Zone.

APPLICANT'S PROPOSAL

- 1) To allow the on-site sales, service, and consumption of alcoholic beverages for on-site consumption at the France Cafe restaurant.

ENVIRONMENTAL DETERMINATION

The project is exempt from CEQA review as a Class 1 "Existing Facilities" exemption, pursuant to Section 15301(e) of the State CEQA Guidelines because the discretionary permit request is to allow the on-site sales, service, and consumption of alcoholic beverages at an existing restaurant within an existing commercial space and there is no added floor area proposed.

REQUIRED/MANDATED FINDINGS

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the analysis by Community Development Department staff, this Administrative Use Permit application is **APPROVED WITH CONDITIONS** based on the following:

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

The on-site sales, service, and consumption of alcoholic beverages at an existing restaurant will be consistent with the various elements and objectives of the General Plan because the restaurant is located in a commercial area, will not adversely impact surrounding traffic and will not impact other elements of the City's General Plan. The restaurant is located in the Community Services Commercial designation of the Land Use Element and the CH (Commercial Highway) zone. The land use designation is designed to serve community shopping functions with restricted permitted uses, similar to neighborhood centers, but at a larger market scale. The modestly-scaled restaurant with proposed ancillary on-site sales, service and consumption of alcoholic beverages is appropriate in an area zoned for commercial uses. France Café is located within a strip commercial development adjacent to the south side of Foothill Boulevard. This street is considered a major arterial street in the Circulation Element and adequately handles existing traffic circulation in the surrounding neighborhood. The existing restaurant is not expanding as a result of the request to sell alcohol (in conjunction with food service) and the selling of these beverages is not anticipated to exacerbate or create negative traffic-related impacts along Foothill Boulevard. Conditions of approval limit noise to within the interior of the restaurant, which is consistent with objectives of the Noise Element. Other General Plan Elements, including Housing, Conservation, Open Space and Safety will not be affected by the administrative use permit request.

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 on-site sales, service and consumption of alcoholic beverages at an existing restaurant (France Café) will not be detrimental to the health, safety, and public welfare of the neighborhood in general, nor the environment because the restaurant is located in a census tract with less than the recommended number of on-sale establishments and with lower crime than the City-wide average. According to the Glendale Police Department, the subject property is located in Census Tract 3004 where the suggested limit for on-sale establishments is six. Currently, there are four on-sale establishments, and France Cafe will bring the total to five. Based on part 1 crime statistics for Census Tract 3004 in 2021, there were 96 crimes, 43% below the city-wide average of 167. There have not been any calls for service for this tenant space with the previous year. The Glendale Police Department did not cite any specific concerns with the applicant's request to allow the operation of the existing restaurant with on-site sales, service and consumption of alcoholic beverages and suggested conditions of approval have been included to mitigate any potential negative impacts. The area surrounding the existing restaurant is fully developed and the ancillary on-site sales, service and consumption of alcohol at France Café will not have an adverse effect on the environment.

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

The use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property because the proposed on-site sales, service and consumption of alcohol will be ancillary to the main use as a restaurant and the surrounding area is already fully developed. France Café has been operating in their present location since 2019, without any incidents. This establishment will continue to operate as a restaurant with supplementary alcohol service when food is served. The strip commercial center in which the restaurant is located, along with nearby commercial development, which includes retail and service uses, is complimentary to subject restaurant. There are no public facilities, schools or churches located with the immediate area of the site. Single-family homes are located immediately south of the subject site. Given the northern orientation of the entrance to the restaurant and the conditions of approval for the project, the proposed project will not adversely impact these residences. The neighborhood surrounding the existing restaurant is already fully developed so the project will not impede normal development of the surrounding property. Given the commercial nature of the subject site and the surrounding area along Foothill Boulevard, any redevelopment of this area will not be impacted by this project.

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.

The applicant's request to allow the on-site sales, service and consumption of alcoholic beverages at an existing restaurant will not result in inadequate public or private facilities because the project site is already developed and associated facilities are existing. The strip commercial center where the existing restaurant is located contains 26 parking spaces and the availability of alcohol when eating a meal at the restaurant will not increase parking demand. Foothill Boulevard is fully developed and can adequately handle traffic circulation in the surrounding area.

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 where an existing or proposed on-site use is located in a census tract with more than the recommended maximum concentration of on-site uses or where an existing or proposed off-site use is located in a Census Tract with more than the recommended maximum concentration of on-site uses, both as recommended by the California

Department of Alcoholic Beverage Control (ABC), such use does not or will not tend to intensify or otherwise contribute to the adverse impacts on the surrounding area caused by such over concentration as described in Finding B above. Additionally, this census tract does not contain an over concentration of on-site uses.

2. That where the existing or proposed use is located in a crime reporting district with a crime rate which exceeds 20 percent of the city average for Part I crimes, as reported by the Glendale Police Department, such use does not or will not tend to encourage or intensify crime within the district because conditions of approval have been included in the approval of this application to ensure that any potential negative impacts will be appropriately mitigated, as described in Finding B above. Additionally, this census tract contains significantly less crime than the city-wide average.
3. That the existing or proposed use does not or will not adversely impact any other uses within the surrounding area (church, public or private schools or college, day care facility, public park, library, hospital or residential use), as described in Finding C above.
4. That adequate parking and loading facilities are or will be provided for the existing or proposed use or other reasonable alternatives satisfy the transportation and parking needs of the existing or proposed use as described in Finding D above.
5. That notwithstanding consideration in subsections 1 through 4 above, the operation of an existing restaurant with the on-site sales, service and consumption of alcoholic beverages does serve a public convenience for the area 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 nearby businesses 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 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 all necessary licenses, approvals, and permits as required from Federal, State, Country or City authorities, including the City Clerk, shall be obtained and kept current at all times.

3. That sufficient measures shall be enforced to effectively eliminate interior and exterior loitering, parking congestion, disturbing noise, disturbing light, loud conversation, and criminal activities.
4. 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 shall only be on those same licensed areas.
5. That no patron of the restaurant shall be allowed to bring into the establishment any alcoholic beverage unless that alcoholic beverage was purchased within that same establishment unless the facility has an established corkage policy allowing and regulating such.
6. That the restaurant shall remain open to the public during business hours. If the establishment has a private party during normal business hours, the restaurant shall remain open for business to regular customers.
7. That the sale of beer, wine, and/or distilled spirits for off-site consumption shall be strictly prohibited, unless preemptively permitted by State regulations.
8. That the premises shall maintain a bona fide restaurant and shall provide a menu containing an assortment of foods normally offered in such restaurant. Food service shall be available at all times and in all areas of the premises during normal operating hours.
9. That the service of alcoholic beverage shall be done in conjunction with the dispensing of meals.
10. That no separate bar for the sales, service and consumption of alcoholic beverages shall be permitted.
11. That no exterior signs advertising the sales and service of alcoholic beverages shall be permitted.
12. That there shall be no video machine(s) and/or video game(s) maintained upon the premises.
13. That music or noise shall be contained within the edifice of the establishment. The business shall comply with the state and local laws and ordinances concerning excessive noise and disturbing the peace. No amplified sound may be produced without first obtaining an "Amplified Sound Permit".
14. That no live entertainment is permitted without a valid "Live Entertainment Permit".

15. That the front and back doors of the establishment shall be kept closed at all times while the location is open for business, except in case of emergency.
16. That the restaurant shall adhere to the City's Fresh Air Ordinance, Title 8, Chapter 8.52 of the Glendale Municipal Code.
17. That the proprietor and employees shall make an active and conscientious effort to keep customers and employees from trespassing on other nearby properties or otherwise making disturbances in the area.
18. That the restaurant shall be operated in full accord with applicable State, County, and local laws.
19. That access to the premises shall be made available to all City of Glendale Planning and Neighborhood Service Divisions, Police Department, and Fire Department staff upon request for the purpose of verifying compliance with laws and conditions of this approval.
20. That any expansion or modification of the facility or use which intensifies the 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.

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. Any appeal must be filed online with the prescribed fee prior to expiration of the 15-day appeal period, on or before **FEBRUARY 22, 2024**.

All appeals must be filed using the City's online permit portal: www.glendaleca.gov/Permits. Create an account, click "Apply," type "appeal" in the search bar, and apply for "Appeal of Planning Decision." Information regarding appeals and fees may be obtained by calling the Community Development Department staff by contacting the case planner, Roger Kiesel at rkiesel@glendaleca.gov or 818-937-8152.

GMC CHAPTER 30.41 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.

Cessation

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

Extension

Permits granted by such right or privilege may be requested one time and extended for up to a maximum of one (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.

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 sold, 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

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over Administrative Use Permits. To consider the revocation, the Director of Community Development 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.

NOTICE – subsequent contacts with this office

The Applicant is further advised that all subsequent contacts with this office regarding this determination must be with the Case Planner who acted on this case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **By Appointment Only**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

Should you have any questions regarding this issue, please do not hesitate to contact the case planner, Roger Kiesel, at 818-937-8152 or rkiesel@glendaleca.gov.

Sincerely,

Bradley Calvert
Director of Community Development



Planning Hearing Officer

CC; City Clerk (K.Cruz); Building and Safety; Neighborhood Services Division (J.Sada); Design Review & Historic (J.Platt); Economic Devel. (M.Berry); Housing (P.Zovak / M. Fortney); Urban Design and Mobility F.Zohrevand); Parks, Recreation and Community Services and Park (T. Aleksanian/ A.Limayo); Information Services (G.Arnold);_City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Engineering Section-(J.Diaz/ D.Stimson); Traffic & Transportation Section (P.Casanova/S.Roudsari); General Manager for Glendale Water and Power (M.Young); Glendale Water & Power--Water Section (S.Boghossian/R.Takidin/F.Garcia); Glendale Water & Power--Electric Section (C.Babakhanlou/ S.Boghossian / F.Garcia/ H.Barkhordian/ D.Scorza); Police Dept. (Lt.S.Riley/Z.Avila); Dir. Of Public Works; Engineering and Land Development (A.Avazian/ S.Oganesyan/ R. Villaluna); Integrated Waste Management Admin. (D. Hardgrove); Maintenance Services/Street and Field / Urban Forester (L.Klick / C.Linares / O. Urquidez); and case planner– Roger Kiesel.