glendale california

City of Glendale
Community Development
Planning & Neighborhood Services

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August 14, 2014

Kurosh Khodayeki
900 North Central Avenue
Glendale, CA 91203

RE: 900 NORTH CENTRAL AVENUE
ADMINISTRATIVE USE PERMIT CASE NO. PAUP 1403542
(Casbah Restaurant)

Dear Mr. Khodayeki:

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 sales, service, and on-site consumption of alcoholic beverages at a full-service restaurant in the "DSP/GAT" – Downtown Specific Plan – Gateway District, located at **900 North Central Avenue,** described as Portions of Lots 14, 15 and 16, Glendale Mountain View Tract, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

(1) The sales, service and on-site consumption of alcoholic beverages requires an Administrative Use Permit in the DSP/GAT – Downtown Specific Plan/ Gateway District Zone.

APPLICANT'S PROPOSAL

(1) To allow the on-site sales, service, and consumption of all types of alcoholic beverages (Type 47) at a full-service restaurant.

ENVIRONMENTAL RECOMMENDATION

The project is exempt from CEQA review as a Class 1 "Existing Facilities" exemption, pursuant to State CEQA Guidelines Section 15301.

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:

REQUIRED/MANDATED FINDINGS

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

The subject site is located within the Downtown Specific Plan – Gateway District (DSP/GAT) Zone. The focus of this area is the continued promotion and location of corporate headquarters, offices, new hotels, mixed-use and residential buildings, complementary/accessory service and retail businesses at the street level, as well as entertainment uses. The service of alcoholic beverages at this location is appropriate in an area of the city zoned for commercial uses where restaurant uses are desired. Serving alcoholic beverages in conjunction with bona fide food service is a common ancillary use for restaurants and will further assist in making downtown Glendale a dynamic destination.

The sales, service and consumption of alcoholic beverages at the full service restaurant will be consistent with the elements and objectives of the General Plan. The land use designation of the site is Downtown Specific Plan (DSP). One of the purposes of this designation is to encourage the location of a wide range of activities to maintain a dynamic environment. The full-service restaurant will help to promote an exciting and lively atmosphere along with other entertainment/restaurant uses and a wide variety of retail uses that creates and enhances the environment desired in the DSP. The project site is already developed and the applicant's request is only for the on-site sales, service and consumption of alcoholic beverages at the existing restaurant site; other elements of the General Plan, including the Open Space, Recreation, Housing and Noise Elements, will not be impacted as a result of the applicant's request. The restaurant is surrounded by other complementary businesses, including retail and service type uses. Residential neighborhoods are located nearby, but do not adjoin the project site.

The Circulation Element identifies North Central Avenue as a major arterial and Arden Street as an urban collector. Both streets are fully developed and adequately handle the existing traffic circulation around the site. The site is surrounded by commercially zoned properties and the applicant's request to serve alcoholic beverages with meals is not anticipated to create any negative traffic-related impacts on these streets and other businesses over and above the existing conditions.

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 the full-service restaurant will not be detrimental to the safety and public welfare of the neighborhood in general. According to the Glendale Police Department the subject

property is located in Census Tract 3018.01, where three is the recommended limit for on-sale establishments. Currently there are 12 on-sale liquor licenses located in this tract and the applicant's request will add to the existing number of on-sale licenses. The project site is located in downtown Glendale, where a concentration of restaurants is encouraged. Restaurant uses frequently serve alcoholic beverages as part of their food service. This ancillary service is not typically associated with public drunkenness or other alcohol-related crimes.

Based on Part 1 crime statistics for this Census Tract, there were 97 crimes, 83% above the citywide average of 53. While this area has more crime than in many other areas of the city, it has a high concentration of entertainment and retail uses, which may partially explain the higher crime rate, in contrast to low density residential areas that typify Glendale. Within the last calendar year there were two calls for police service at this location related to patrons refusing to leave; neither of these two instances resulted in a report being taken and occurred while under the previous restaurant owner.

C. That 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 the on-site sales, service and consumption of alcoholic beverages at the existing restaurant site, proposed as "Casbah", will be detrimental to the community or adversely conflict the community's normal development. The restaurant site is a stand alone building located at the northern portion of downtown Glendale. A total of 76 parking spaces are provided on-site and in the adjacent parking lot. The surrounding area is developed with a concentration of high rise, high intensity regional office uses. The consumption of alcoholic beverages at the full-service restaurant will not conflict with the adjacent and surrounding land uses; this type of use is encouraged in the downtown area. Further, the project will not impede the normal development within the surrounding area, since it is already fully developed and adequate utilities, landscaping, and traffic circulation are already provided for.

There are three public facilities within the immediate area of the subject site: Church of the Incarnation at 1001 North Brand Boulevard (0.1 miles to the north), Incarnation Preschool and Kindergarten located at 214 West Fairview Avenue (0.1 miles to the north) and Church for the Nations located at 1015 North Central Avenue (0.1 miles to the north). It is important to note that the Verdugo Wash and West Glenoaks Boulevard, a Major Arterial, serve as a buffer between the subject site and these facilities. While these facilities and uses are within close proximity, the applicant's request will not impede the operation of such uses since they are not directly adjacent to the restaurant.

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 serve alcoholic beverages at the restaurant will not result in inadequate public or private facilities. The project site is already developed and associated facilities are existing. There has been a full-service restaurant operating at this location since the site was developed in 1975 without any major incident. As noted above, North Central Avenue and Arden Street as identified in the city's Circulation Element are fully developed and can adequately handle the existing traffic circulation adjacent to the site.

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 to be considered in making the findings in subsection A. through D. above have all been met and thoroughly considered:

1) No overconcentration of on-site or off-site use of alcoholic beverage sales exists. The sale of alcoholic beverages is incidental to food service at the existing restaurant site does not, or will not, tend to encourage or intensify crime within this reporting district as noted in Finding B. above.

2) Such use will not tend to encourage or intensify crime within the district. As noted above in Finding B. no evidence has been presented that would indicate that the on-site sales, service and consumption of alcoholic beverages at the subject site would encourage or intensify crime within the district.

3) Such use will not adversely impact any other uses within the surrounding area (church, public or private school or college, day care facility, public park, library, hospital or residential use). As noted in Finding C. above, there are three public facilities within the immediate area of the subject site. While these facilities and uses are within close proximity, the applicant's request will not impede the operation of such uses since they are not directly adjacent to the restaurant.

4) The proposed use satisfies its transportation or parking needs as described above because adequate access, parking and delivery spaces are available to serve this use. As noted in Findings C. and D. above the applicant's request is not anticipated to increase the need for public or private facilities. The ancillary service of alcoholic beverages at the "Casbah" restaurant is not anticipated to intensify traffic circulation or parking demand. The site is fully developed and adequate parking and loading facilities are currently provided.

5) The proposed use will serve a public necessity or public convenience purpose for the area as evidenced by the demand for restaurants with alcoholic beverages in the Downtown Specific Plan. The applicant's request for the on-site sales,

service and consumption of alcoholic beverages at a full-service restaurant does serve 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 nearby businesses and residential uses.

CONDITIONS OF APPROVAL

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

1. 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. All necessary licenses, approvals and permits as required from Federal, State, County or City authorities including the City Clerk shall be obtained and kept current at all times.

3. Sufficient measures shall be enforced to effectively eliminate interior and exterior loitering, parking congestion, disturbing noise, disturbing light, loud conversation, and criminal activities.

4. The service of alcoholic beverages shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control.

5. No speaker systems shall be installed outside the building.

6. The parking area shall be kept adequately illuminated for security purposes during all hours of darkness.

7. The premises shall be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.

8. All signs displayed shall conform to the requirements of the Glendale Municipal Code.

9. Noise shall be contained to the site, such that persons of normal sensitivity off-site are not disturbed.

10. 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, increased hours of operation, changes to the use or operation, or any physical change as determined by the Director of Community Development.

11. Adequate means shall be provided for the collection of solid waste generated at the site and that all recyclable items shall be collected and properly disposed of to the satisfaction of the Integrated Waste Management Administrator of the City of Glendale. No trash containers shall be stored in any parking, driveway, or landscaping area.

12. No alcoholic beverages shall be sold to be taken from the premises by patrons for off-site consumption.

13. No patrons of the restaurant shall be allowed to bring into the establishment any alcoholic beverages that were purchased from outside of the establishment, unless the facility has an established corkage policy allowing and regulating such.

14. At all times when the premises are open for business, the service of alcoholic beverages shall be made only in the areas as designated with the ABC license.

15. The restaurant shall remain open to the public during business hours.

16. The front and back doors to the restaurant shall be kept closed at all times while the location is open for business, except in case of emergency.

17. The sales, service, and consumption of alcoholic beverages shall be permitted only between the hours of 10:00 a.m. to 2:00 a.m. each day of the week.

18. There shall be no video machine(s) maintained on the premises.

19. The premises shall be operated in full accord with applicable State, County, and local laws.

20. 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 conditions of this approval.

21. The restaurant shall adhere to the City's Fresh Air Ordinance, Title 15, Chapter 8.52 of the Glendale Municipal Code.

22. There shall be no bar or lounge area upon the premises maintained solely for the purpose of sales, service or consumption of alcoholic beverages by patrons.

23. No exterior signs advertising the service of alcoholic beverages shall be permitted.

24. 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.

25. Live entertainment shall be permitted with the exception that no karaoke, no bikini activities or events, no lingerie activities or events, no swimwear activities or events, nor any similar activities or events be allowed where partial clothing of male or female entertainment is provided.

26. A Business Registration Certificate shall be applied for and issued for a full service restaurant with sales, service, and consumption of alcoholic beverages, subject to the findings and conditions outlined in this decision letter.

27. The authorization granted herein shall be valid for a period of ***10 YEARS UNTIL AUGUST 14, 2024.***

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 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 **August 29, 2014** 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://glendaleca.gov/government/departments/community-development/planning-division/services/how-to-submit-a-planning-application

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. Visit us.

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, administrative use permits, 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 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.

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, Vista Ezzati at (818) 937-8180 or vezzati@glendaleca.gov.

Sincerely,

HASSAN HAGHANI
Director of Community Development Department

Jeff Hamilton
Planning Hearing Officer

HH:JH:ve

CC: City Clerk (K.Cruz); Police Dept. (S.Bickle/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(D.Nickles); City Engineer and Traffic & Transportation Section (G.Tom); Director of Public Works (R.Golanian); General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (R.Takidin); Glendale Water & Power--Electric Section (M.Kelley / M.Jackson); Parks, Recreation and Community Services Dept. (E.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.Oillataguerre);and case planner - Vista Ezzati.