glendale california

City of Glendale
Community Development Department
Planning Division

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November 2, 2016

Ara Kalfayan
343 North Central Avenue
Glendale, CA 91203

RE: 343 NORTH CENTRAL AVENUE
ADMINISTRATIVE USE PERMIT NO. PAUP 1520733
(Phoenicia Restaurant)

Dear Mr. Kalfayan:

Pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.49, the Community Development Department processed your application for Administrative Use Permit No. PAUP1520733 to allow the continued sales, service and on-site consumption of alcoholic beverages at an existing full-service restaurant in the "DSP/TD" - Downtown Specific Plan/Transitional District and "R-1250 PS" - High Density Residential Parking Structure Overlay located at **343 North Central Avenue**, described as Portions of Lots 9 and 10, Glendale Home Tract, Lots 11,11A and a Portion of a Vacated Alley, Glendale Home Tract, in the City of Glendale, in the County of Los Angeles.

CODE REQUIRES

Administrative Use Permit

1) Sales, service and on-site consumption of alcoholic beverages requires an administrative use permit in the DSP/TD (Downtown Specific Plan/Transitional District).

APPLICANT'S PROPOSAL

Administrative Use Permit

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

ENVIRONMENTAL DETERMINATION

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

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, the Director of Community Development has **APPROVED WITH CONDITIONS** your Administrative Use Permit application based on the following:

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

The subject site is located in the DSP/TD (Transitional District) and the General Plan Land Use Element designation is Downtown Specific Plan. Goods and services offered in this zone generally attract clientele from the adjoining residential neighborhoods as well as the surrounding community. The continued sales, service and consumption of alcoholic beverages at the existing restaurant along North Central Avenue is located in an area of the city zoned for commercial uses. Phoenicia Restaurant will continue to provide an option for the dining public to enjoy. The existing full-service restaurant would continue to enhance the environment desired in the DSP. 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. Given that the project site is already developed and the administrative use permit application only requests the continued sales, service and on-site consumption of all types of alcoholic beverages at an existing restaurant, other elements of the general plan, including the Open Space, Recreation, Housing, Circulation and Noise Elements, will not be impacted as a result of the project. Adequate utilities, landscaping, and traffic circulation measures are already provided.

The Circulation Element identifies North Central Avenue as a major arterial. It is fully developed and can adequately handle the existing traffic circulation around the site. The project site is surrounded by commercially zoned properties, and residential uses to the west on Wilson Avenue. The applicant's request to continue serving alcoholic beverages with meals is not anticipated to create any negative traffic-related impacts on Central Avenue and other businesses over and above the existing conditions.

The project site is already developed and the applicant's request is to allow the continued on-site sales, service and consumption of alcoholic beverages at the existing full-service restaurant. The project site is surrounded by other complementary businesses, including retail and service type uses. Residential neighborhoods are located to the west along Lexington Drive and mixed use development south of the subject site along Central Avenue. This application does not include any added floor area or modifications to the existing building; therefore, there will be no increase in required parking for this use. The continued on-site sales, service and consumption of alcoholic beverages as an ancillary use will not impact the existing parking and landscaping conditions. There are two parking lots serving restaurant patrons and employees. One parking lot is located directly west of the restaurant site and another is located across the street on Lexington Drive. Both parking lots were approved by the Planning Hearing Officer via a Parking Use Permit. The applicant's request to continue serving alcoholic beverages at the existing restaurant with meals is not anticipated to create any negative parking issues 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 continued on-site sales, service, and consumption of alcoholic beverages at the existing full-service restaurant will not be detrimental to the health, safety and public welfare of the neighborhood in general. According to the Glendale Police Department, Phoenicia Restaurant is located in census tract 3018.02, which allows for three on-sale

establishments. There are currently 19 on-sale establishments in this tract. While there are significantly more on-sale establishments in this area than would otherwise be allowed, Phoenicia Restaurant is already one of the 19 establishments. There will be no increase in the number of on-sale establishments. Based on Part 1 crime statistics for this census tract, there were 185 crimes, four percent above the city wide average of 178. Within the last calendar the Glendale Police Department received five calls for service at this location. Most of the calls were related to loud noise/music coming from the location with no report taken on any of the calls. None of the calls received were related to alcohol.

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

The continued on-site consumption of alcoholic beverages at the existing restaurant will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property. The project site is located on the southwest corner of Central Avenue and Lexington Drive. This street is already a densely developed commercial area, containing restaurants, mixed use, office and retail uses surrounding the project site. The consumption of alcoholic beverages at the existing restaurant has not and will not conflict with the adjacent and surrounding land uses and, in fact, this type of use is encouraged in this area. Further, the project will not impede the normal development along this street, since it is already fully developed and should not impede any redevelopment of this street, given the administrative use permit request is for the continued on-site sales, service and consumption of alcohol service at the restaurant.

No library, hospital or day care facility is known to be located within the vicinity of the project site. Given the commercial nature of the area and the fact that the administrative use permit is only for the continued on-site sales, service and consumption of alcohol service at the existing restaurant, the proposed project should not adversely impact public facilities. The consumption of alcoholic beverages with food at the existing full-service restaurant will not conflict with the adjacent land uses and will be ancillary to the primary use. There are two churches located within the immediate area of the subject site. One church is located approximately 0.3 miles to the west on the northeast corner of Myrtle Street and North Pacific Avenue and another on the northwest corner of North Louise and East Wilson Avenue, approximately 0.3 miles east of the subject site. In addition, Columbus Elementary School is located approximately 0.5 miles northwest of the site and Doran Mini Park is located approximately 0.4 miles northwest of the site. While these facilities and uses are within close proximity, given the orientation of both churches in relation to the subject property, to the east and west, the ancillary services of alcoholic beverages at the existing full-service restaurant has not proven to negatively impact these uses or impede their existing operations.

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 continue serving alcoholic beverages at the existing restaurant has and will not result in inadequate public or private facilities. Adequate public and private facilities such as utilities, landscaping, parking spaces and traffic circulation measures are

provided for the use and are existing. North Central Avenue, as identified in the Circulation Element, is a fully developed major arterial and can adequately handle the existing traffic circulation adjacent to the site. There are two approved Parking Use Permits on file, to serve the use. Phoenicia Restaurant has secured off-site parking via the parking use permits, at 310 W. Lexington Drive and 315-317 W. Lexington Drive. Both locations are and will continue to provide accessible parking for restaurant patrons and employees. No additional parking is required as a result of the continued on-site sales, service and consumption of alcoholic beverages at the restaurant. Overall, the applicant's request to allow the continued on-site sales, service and consumption of all types of alcoholic beverages at the existing full-service restaurant, is supportable based on the facts surrounding this application and the findings.

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 continued use is located in a census tract with more than the recommended maximum concentration of on-site uses or that where an existing or proposed off-site use is located in a census tract with more than the recommended maximum concentration of off-site uses, both as recommended by the California Department of Alcoholic Beverage Control, 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 based on the comments submitted by the City of Glendale Police Department. The continued on-site sales, service and consumption of all types of alcoholic beverages incidental to food service at the existing restaurant site has not, or will not, tend to encourage or intensify crime within this reporting district as noted in Finding B above.

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 1 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 have been included in the approval of this application to ensure that any potential negative impacts will be appropriately mitigated. As noted in Finding B above, the crime rate in Census Tract 3018.02 is at four percent above the city average for Part 1 crimes. In addition, no evidence has been presented that would indicate that the continued on-site sales, service and consumption of alcoholic beverages at the subject site would encourage or intensify crime within the district.

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 school or college, day care facility, public park, library, hospital or residential use). As noted in Finding C above, there are two churches, a public elementary school and a park within the surrounding area of the subject site. While these facilities and uses are within close proximity, given the location of these uses in relation to the subject property, northwest and northeast of the subject site, the applicant's request to continue the sales, service and on-site consumption of

alcoholic beverages will not impede their existing operations. While residential uses do exist in the area, the multi-family residential uses located west of the project site along Lexington Avenue and mixed use developments along Central Avenue would not be impacted as a result of the applicant's request to continue serving alcoholic beverages with meals at the existing restaurant.

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 noted in Findings C and D above, the applicant's request is not anticipated to increase the need for public or private facilities. The continued ancillary service of alcoholic beverages at the existing full-service restaurant, "Phoenicia Restaurant" has proven not to intensify traffic circulation or parking demand. The site is fully developed and adequate parking and loading facilities are currently provided.

5) That, notwithstanding consideration of the criteria in subsections 1 through 4 above, alcoholic beverage sales, service and on-site consumption does serve a public convenience for the area. The applicant's request to allow the continued on-site sales, service and consumption of alcoholic beverages at an existing 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. 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, County or City authorities 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. Restaurant staff will monitor the parking areas when business is open.

4. That any proposed exterior lighting shall be directed on the driveways, walkways, and parking areas within the development and away from adjacent properties and the public right-of-way to the satisfaction of the Director of Community Development.

5. That the parking area shall be kept adequately illuminated for security purposes during all hours of darkness. Lighting fixtures shall be installed and maintained in the parking area in those areas where street lights do not effectively illuminate the premises.

6. That sale of alcoholic beverages at the restaurant shall be incidental to the selling of food to be consumed on the premises. No alcohol shall be served without the service of food from the restaurant kitchen.

7. That alcohol service shall cease one-half hour before closing the restaurant.

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 hours of operation of the restaurant shall be restricted to the following: 11:00 a.m. – 12:00 a.m. Sunday through Thursday, and 11:00 a.m. – 2:00 a.m. Friday and Saturday.

10. That 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.

11. That the service of alcoholic beverages shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control (ABC).

12. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.

13. That the applicant shall comply with Section 8.32.030 of the Glendale Municipal Code regarding up-keep of property and adjacent sidewalks, parkways, gutters and alleys.

14. That all signs displayed shall conform to the requirements of the Glendale Municipal Code.

15. That any expansion or modification of the facility or use which intensifies the existing business 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.

16. That no alcoholic beverages shall be sold to be taken from the premises by patrons for off-site consumption.

17. That 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.

18. That 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.

19. That the restaurant shall remain open to the public during business hours.

20. That 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.

21. That there shall be no video machine(s) maintained on the premises.

22. That music or noise shall be contained within the edifice of the establishment. The business shall comply with the state and local noise ordinances concerning excessive noise and disturbing the peace. The Director of Community Development's opinion shall prevail to arbitrate any conflicts.

23. That the facilities shall not be rented, leased or otherwise occupied for purposes not specified in this application.

24. 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 is allowed in the outdoor seating areas.

25. That no speaker systems shall be installed outside the building or in the parking area.

26. That 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 Administrator of the City of Glendale. No trash containers shall be stored in any parking, driveway, or landscaping area.

27. 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 making disturbances in the area.

28. That sufficient measures be enforced to effectively eliminate interior and exterior loitering, parking congestion, disturbing noise, disturbing light, loud conversation and criminal activities.

29. That access to the premises shall be made available to all City of Glendale Planning, 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.

30. That the restaurant adhere to the City's Fresh Air Ordinance, Title 8, Chapter 8.52 of the Glendale Municipal Code.

31. That no exterior signs advertising the service of alcoholic beverages shall be permitted.

32. That all signs displayed shall conform to the requirements of the Glendale Municipal Code.

33. That live entertainment is 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. A Live Entertainment permit must be obtained in accordance with G.M.C 5.60.

34. That a Business Registration Certificate be applied for and issued for a full-service restaurant with the on-site sales, service and consumption of alcoholic beverages, subject to the findings and conditions outlined in this decision letter.

35. That the applicant shall comply with the Neighborhood Services Comments as specified in their memo dated September 12, 2016 to the satisfaction of the Code Enforcement staff.

36. That the applicant shall comply with all applicable conditions of Parking Use Permit Case No. PPUP 1419225.

37. That the applicant shall comply with all applicable conditions of the Administrative Exception Permit Case No. PAE 1423887.

38. That evidence of a State-approved license issued by the Alcoholic Beverage Control (ABC) shall be presented to the Permit Services Center upon application for a Business Registration Certificate (BRC).

39. That authorization granted herein shall be valid for a period of **5 YEARS UNTIL *NOVEMBER 2, 2021.***

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 17, 2016** 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 5:00 p.m.

APPEAL FORMS available on-line: http://www.glendaleca.gov/appeals

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 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 30.41 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.

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 mtoledo@glendaleca.gov.

Sincerely,
Phil Lanzafame
Director of Community Development

Erik Krause
Interim Deputy Director of Community Development

PL:EK:MT:sm

CC: City Clerk (K.Cruz); Police Dept. (S.Bickle/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(J.Halpert); Traffic & Transportation Section (W. Ko/S. Vartanian); General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (G. Tom/S. Boghosian); Glendale Water & Power--Electric Section (V. Avedian/B. Ortiz); Parks, Recreation and Community Services Dept. (T. Aleksanian); Neighborhood Services Division (S. Mirzaians); 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); and case planner – Milca Toledo.