CITY OF GLENDALE, CALIFORNIA
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division

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October 31, 2013

Samuel Arutyunyan
South Glendale Avenue
Glendale, CA 91205

RE: 1240 SOUTH GLENDALE AVENUE
CONDITIONAL USE PERMIT NO. PCUP 1322188
(Karoun Restaurant)

Dear Mr. Arutyunyan:

On October 30, 2013, the Planning Hearing Officer conducted and closed a public hearing, pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.42, on your application for a Conditional Use Permit to continue the on-site sales, service, and consumption of alcoholic beverages (Type 47) at the existing full service restaurant, located at **1240 South Glendale Avenue**, in the "C1" (Neighborhood Commercial) and "R-2250/P" (Medium Density Residential/Parking Overlay) Zones, described as Parcel A, Parcel Map No. GLN 1319A, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

1) On-site sales, service and consumption of alcoholic beverages requires a Conditional Use Permit in the 'C1' Zone.

APPLICANT'S PROPOSAL

1) A Conditional Use Permit to continue the on-site sales, service and consumption of alcoholic beverages at an existing 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.

REQUIRED/MANDATED FINDINGS

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report by the Community Development Department staff thereon, and the statements made at the public hearing with respect to this application, the Planning Hearing Officer has **GRANTED WITH CONDITIONS** your application based on the following:

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

The applicant's request to continue the on-site sales, service, and consumption of alcoholic beverages at the existing fast food restaurant will be consistent with the elements and objectives of the General Plan. Karoun Restaurant is located on a dual-frontage, shopping

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center property that is zoned C1 along Glendale Avenue, with a land use designation of Neighborhood Commercial, and R-2250/P along Mariposa Avenue to the east, with a land use designation of Medium Density Residential. The restaurant is located within the C1/Neighborhood Commercial portion of the property, while the shopping center's main parking lot area is located on the easterly portion of the site zoned R-2250/Parking Overlay.

The Land Use Element is the most directly related to the approval of this use. The Land Use Element seeks to improve the livability of the total community for all Glendale residents as expressed in the living, working, and shopping areas. The continued service of alcoholic beverages at this location is appropriate because it is in an area of the City zoned for such neighborhood-serving commercial uses. The Circulation Element of the General Plan identifies South Glendale Avenue as a fully improved street and is classified as a Major Arterial street that serves many residential neighborhoods in the area as well as the surrounding community. All 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 proposal.

A full service restaurant use is permitted in the C1 (Neighborhood Commercial) zone and is consistent with the "Neighborhood Commercial" land use designation of the General Plan. The on-site sales, service and consumption of alcoholic beverages requires the approval of a Conditional Use Permit in the C1 commercial district; the C1 Zone is intended as a zone to accommodate retail shopping and convenience services in conformance with the comprehensive general plan. The applicant's request to continue the on-site sales, service and consumption of alcoholic beverages with meals is incidental to the primary operation and will serve a public necessity or public convenience purpose for the area.

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 proposal is to maintain the full service restaurant with on-site sale, service and consumption of alcoholic beverages. It is not anticipated that Karoun Restaurant will have a detrimental effect on the community, since no negative effects have been reported in the recent past. The restaurant was issued a Use & Occupancy Permit (U&O #17568) in 1996 and this permit lists the same applicant as for the current CUP. The restaurant has been operating for the last 17 years by the same individual and applicant testified during the hearing that Karoun Restaurant will continue to operate in the same manner and the on-site sales, service and consumption of alcohol beverages will be complementary to the primary use. It should be noted that the restaurant featured private parties prior to the 2002 CUP amendments regarding restaurants and banquet halls, so the restaurant has legal nonconforming rights to continue to host private parties and have banquet operations. No new construction is proposed in conjunction with the CUP application. The applicant's request to continue on-site consumption of alcoholic beverages with meals is complementary to the site's primary use as a full-service restaurant and it is not anticipated to create any negative traffic-related impacts on area streets or other businesses over and above the existing conditions.

Karoun Restaurant is located in Census Tract 3025.05, which allows for three On-Site Sale establishments. There are currently four On-Site Sale licenses in this tract. Karoun Restaurant is one of the existing four. Based on Part 1 crime statistics for census tract 3025.05 in 2012, there were 45 crimes-25% below the city wide average of 60. Within the last calendar year, there were no calls for police service.

No public facilities are located within the immediate area (within a quarter of a mile of the project site). The closest public facilities are: Theodore Roosevelt Middle School at 222 East Acacia Avenue (0.3 miles to the north), Armenian Church of the Nazarene at 411 East Acacia Avenue (0.3 miles to the east), and Palmer Park (0.5 miles to the west). While these facilities are within the same vicinity, they are located outside of the immediate neighborhood. The majority of the area surrounding the subject site is developed with similar land uses as the subject project. Residential uses are located along Mariposa Street on both sides of the street; however, Karoun Restaurant is expected to continue to operate without incident. The applicant's request for this location does not appear to be a detriment to the safety and public welfare of the neighborhood, since the service of alcohol beverages is generally viewed as a common extension of a restaurant use.

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 continued sale, service and consumption of alcoholic beverages at the existing, full-service restaurant with existing (grandfathered) private party operations will be detrimental to the community or adversely conflict with the community's normal development. Karoun Restaurant has been in operation for more than 17 years without adverse impacts and has had four, previously-approved CUPs for alcoholic beverages since 1996. The ancillary on-site sales, service and consumption of alcohol beverages with meals in a restaurant setting is a typical request and is not generally known to negatively impact nearby businesses or residents. The continued consumption of alcoholic beverages will be secondary to the primary use of food service.

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 is proposing to continue to operate the existing full service restaurant in the current tenant space; therefore, it would not increase the need for public or private facilities. Adequate public and private facilities such as utilities, parking and landscaping exist. This portion of Glendale Avenue is developed with a variety of retail, restaurant and service related businesses and Karoun Restaurant will continue to complement them. There will be no impact to existing traffic, loading or noise caused by the use. The existing parking lot for the shopping center is sufficient to assure that the facility will continue without negatively impacting on the surrounding area. The applicant's CUP request for alcoholic beverage sales will not require any new city services, nor will it require any changes to landscaping, parking or traffic circulation.

That all the criteria set forth in Section 30.42.030 (F) 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 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. Karoun Restaurant is in an area that is over concentrated with liquor licenses. Karoun Restaurant is located in census tract 3025.05 which allows for three On-Site Sale establishments. There are currently four On-Site Sale licenses in this tract. Karoun Restaurant is one of the existing four and the restaurant has a Type 47 ABC License currently.

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. According to the Glendale Police Department, the subject site is not located in a crime reporting district with a crime rate that exceeds 20 percent of the city average for Part 1 crime. Based on Part 1 crime statistics for Census Tract 3025.05 in 2012, there were 45 crimes - 25% below the city wide average of 60. Within the last calendar year, there were no calls for police service. Glendale Police has commented that if this establishment abides by the conditions set forth, the restaurant will not contribute to the crime in the area and will continue to be successful in the community.

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 described in finding C above, there are no identified sensitive land-uses (day care facilities, public parks, libraries, or hospitals) within a quarter of a mile in the immediate neighborhood. The closest public facilities are: Theodore Roosevelt Middle School at 222 East Acacia Avenue (0.3 miles to the north), Armenian Church of the Nazarene at 411 East Acacia Avenue (0.3 miles to the east), and Palmer Park (0.5 miles to the west). While these facilities are within the same vicinity, they are located outside of the immediate neighborhood. The full service restaurant will serve food in conjunction with the alcohol sales, service and consumption. The majority of the area surrounding the subject site is developed with similar land uses as the subject project. Residential uses are located to the east of the subject building across the parking lot and along Mariposa Street; however, it is expected that Karoun Restaurant will continue to operate without incident.

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. The on-site sales, service and the consumption of alcoholic beverages at the full service restaurant are not anticipated to intensify traffic circulation or parking demand since the project is the continuation of an existing use. There are 270 on-site parking spaces which provide sufficient parking for the use. Glendale Avenue is identified as a Major Arterial, which adequately handles the existing traffic circulation around the site.

5) That, notwithstanding consideration of the criteria in subsections 1 through 4 above, the sales, service and on-site consumption of alcoholic beverages at the existing restaurant serves a public convenience for the area. The applicant's request to continue the on-site

sales, service, and consumption of alcoholic beverages in conjunction with the primary restaurant use 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.

SUMMARY OF PLANNING HEARING OFFICER'S DECISION

The Planning Hearing Officer was able to make all four required findings in favor of the application and was able to justify approval of the case based on the criteria required for alcohol-related cases in Sub-Section 30.42.030(F), Glendale Municipal Code. The existing restaurant has been in operation since 1996, and has had four previously-approved CUPs to allow for the onsite sales, service and consumption of alcoholic beverages for the last 17 years. The continued sales, service and consumption of alcoholic beverages at the restaurant will not require any new city services, is not anticipated to harm public safety and welfare, and is not in conflict with existing or anticipated surrounding land uses. The conditions attached to the approval will control the use in a manner necessary to allow the use to properly fit into the specific location.

CONDITIONS OF APPROVAL

APPROVAL of this Conditional 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 Planning Hearing Officer.

2. That all necessary licenses, 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.

3. That the service of alcoholic beverages for on-site consumption shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control.

4. That access to the premises shall be made available upon request to all City of Glendale authorized staff (i.e. Community Development Department, Fire Department, Police Department, etc.) for the purpose of verifying compliance with all laws and the conditions of this approval.

5. That any expansion or modification of the facility or use which intensifies the existing Conditional Use Permit shall require a new Conditional 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 Planning Hearing Officer with concurrence by the Community Development Director.

6. 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.

7. That the restaurant shall remain open to the public during business hours, in accordance with Title 30 of the Glendale Municipal Code.

8. 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.

9. That no patron to any of the business establishments will be allowed to bring into any establishment or maintain in the establishments, 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.

10. The sale of alcoholic beverages for consumption off the premises is strictly prohibited.

11. That no separate bar area shall be maintained on the premises.

12. That the sales, service, or consumption of beer and wine shall be permitted only between the hours of 8:00 am to 10:00 pm, Sunday through Thursday, and 8:00 am to 11:00 pm, Friday and Saturday.

13. That the applicant will provide all current and future employees with training designated to help them recognize intoxicated or underage patrons.

14. That the existing restaurant shall adhere to the City's Fresh Air Ordinance, Title 15, Chapter 8.52 of the Glendale Municipal Code. Smoking within the outdoor patio areas shall be prohibited unless in compliance with G.M.C. Section 8.52.

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

16. That sufficient measures shall be enforced by the proprietor and his/her employees to effectively eliminate interior and exterior loitering, parking congestion, disturbing noise, disturbing light, loud conversation and criminal activities.

17. That all music, lighting, 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 or adjacent properties.

18. That the proprietor and his/her employees shall be responsible for making an active and conscientious effort to keep customers and employees from trespassing on other nearby properties or otherwise making disturbances in the area.

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

20. That Live Entertainment shall not be permitted at this location.

21. That a new Zoning Use Certificate shall be obtained and shall reference this conditional use permit.

22. That the authorization granted herein shall be valid for a period of 10 years until **October 31, 2023,** at which time, a reapplication must be made.

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 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 15, 2013** at the Permit Services Center (PSC), 633 East Broadway, Room 101, Monday thru Friday 7:00 am to 12:00 pm, or at the Community Development Department (CDD), 633 East Broadway, Room 103, Monday thru Friday 12:00 pm to 5 pm.

APPEAL FORMS available on-line:

http://www.ci.glendale.ca.us/planning/SubmittingAProject.asp

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.

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 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 a conditional 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 conditional 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 conditional use permit.

CESSATION: A Conditional Use Permit may be terminated by the review authority upon any interruption or cessation of the use permitted by the Conditional 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 who acted on this case. This would include clarification and 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.

Sincerely,

Vilia Zemaitaitis

VILIA ZEMAITAITIS
Planning Hearing Officer

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CC: City Clerk (K.Cruz); Police Dept. (Lt.S.Bickle/F.Jenks); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(D.Nickles); City Engineer and Traffic & Transportation Section (Roubik Golanian/G.Tom); Dir. of Public Works and 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.Oillataguerra); Maritz Guardado-representing the applicant; Dept. of Alcoholic Beverage Control; Ara Kalfayan-representing the owner; and case planner Bradley Collin.