



CITY OF GLENDALE, CALIFORNIA  
Community Development  
Planning

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**Applicant:**

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**RE: ADMINISTRATIVE USE PERMIT  
CASE NO. PAUP 1825332  
2519 Canada Boulevard  
(Leon Café and Lounge)**

The Director of Community Development will render a final decision on or after **September 19, 2019**, for the following project:

**Project proposal:** An application for an administrative use permit to allow the on-site sales, service and consumption of beer and wine at a new full-service restaurant (Leon Café and Lounge) with sidewalk dining in the public right-of-way.

**STAFF RECOMMENDATION: APPROVE WITH CONDITIONS**

**DRAFT CONDITIONS**

1. That the development shall be in substantial accord with the plans submitted with the application and presented at the hearing except for any modifications as may be required to meet specific Code standards or other conditions stipulated herein to the satisfaction of the Director of Community Development.
2. That any expansion or modification of the facility or use which intensifies the existing administrative use permit shall require a new administrative use permit application. Expansion shall constitute adding floor area, changes to the use or operation, or any physical change as determined by the Director of Community Development.
3. That all licenses and permits as required or approvals from Federal, State, County or City authorities including the City Clerk shall be obtained and kept current at all times.
4. That a Business Registration Certificate be applied and issued for a new full-service restaurant with the on-site sales, service and consumption of alcoholic beverages, subject to the findings and conditions outlined by this administrative use permit.
5. That all necessary permits (i.e., building, fire, engineering, etc.) shall be obtained from the Building and Safety Division, Permit Services Center and all construction shall be in compliance with the Glendale Building Code, Fire Code and all other applicable regulations.

6. That the full-service restaurant shall remain open to the public during business hours and shall be operated in full accord with applicable State, County, and local laws.
7. That the service of beer and wine shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control.
8. That at all times when the premises are open for business, the service and consumption of beer and wine with meals shall be made only in the areas designated with an ABC license. The sidewalk patio area where patrons are allowed to consume beer and wine shall be clearly roped or fenced off in accordance with ABC and City codes. No patron can take beer and wine outside of this area.
9. That beer and wine shall be the only alcoholic beverages served and they shall be served only in conjunction with the consumption of meals in the areas designated by the ABC license. Beer and wine sales shall be less than fifty (50) percent of restaurant's gross revenues or the business shall be defined as a tavern under the definitions by the Zoning Code.
10. That no separate bar for the exclusive service of beer and wine shall be installed on the premises.
11. That no exterior signs advertising the sales/service of beer and wine shall be permitted.
12. That the sales, service or consumption of beer and wine with meals shall be permitted between the hours of 11:00 a.m. to 10:00 p.m. Sunday through Thursday, and 11:00 a.m. to 12:00 a.m. Friday and Saturday.
13. That the premise shall remain open to the public during business hours and operated as a full service restaurant.
14. That no patron will be allowed to bring into the full-service restaurant or maintain in the retail bakery any beer and wine unless that beer and wine was purchased with a meal within that same establishment.
15. That the sale of beer and wine for consumption off the premises is strictly prohibited.
16. That all music, lighting, noise and odors shall be confined to the occupancy so as not to disturb occupants of other adjacent businesses or properties and patrons on the public right-of-way. The Planning Hearing Officer's opinion shall prevail to arbitrate any conflicts.
17. That no live entertainment is permitted.
18. That the restaurant shall adhere to the City's Fresh Air (smoking) Ordinance.
19. That the back door shall be kept closed at all times during business hours except in case of emergency. No outdoor storage of equipment or materials is allowed.
20. That patrons shall not be permitted to remain in the parking area or public right-of-way after closure or to loiter in the parking area or public right-of-way while the business is open.

21. That the proprietor and his/her employees shall make an active and conscientious effort to keep customers and employees from trespassing on other nearby properties or otherwise make disturbances in the area.
22. That the facilities shall not be rented, leased or otherwise occupied for purposes not specified.
23. That access to the premises shall be made available to all City of Glendale Planning Division, Neighborhood Services Division, Police Department, and Fire Department staff, upon request for the purpose of verifying compliance with all laws and the conditions of approval.
24. The authorization granted herein shall be valid for a period of 5 years until September 3, 2024.

### **PROJECT BACKGROUND**

**Project proposal:** An application for an administrative use permit to allow the on-site sales, service and consumption of beer and wine at a new full-service restaurant (Leon Café and Lounge) with sidewalk dining in the public right-of-way.

#### **Previous Permits for the Site:**

1. Standards Variance No. 8323-S – Granted approval to rebuild a commercial building damaged by earthquake with less-than required parking (two parking spaces) and street-front setback (zero street front setback).
2. Design Review Board No. PDR 2009-048 – Granted approval for a façade remodel.
3. Conditional Use Permit Case No. PCUP 1309249 – to allow the on-site sales, service, and consumption of beer and wine at an existing retail bakery (restaurant, counter service with limited seating, Leon Cake Studio) with sidewalk dining in the public right-of-way. (*expired September 9, 2018*)

#### **Related Concurrent Permit Application(s):**

There are no other cases or active building permits for this address being processed with this case. However, PAUP Case No. 1825323 at 2517 Canada Boulevard is being processed simultaneously because the business owner will operate both proposed full-service restaurants at 2517 and 2519 Canada Boulevard as separate businesses that are located within separate buildings on separate properties owned by separate parties.

**Environmental Recommendation:** Categorically Exempt. The project is exempt from CEQA review as Class 1 “Existing Facilities” exemption pursuant to State CEQA Guidelines Section 15301 because the project involves minor alterations to a restaurant use.

**General Plan:** Commercial – Neighborhood Commercial

**Zone:** Neighborhood Commercial (C1) Zone

**Background:** The 1,600 square-foot building is located on a 2,250 square-foot property on the west side of Canada Boulevard. The two parking space is accessed from a 25-foot wide alley at the rear.

For the past ten years, the business owner has operated a restaurant at the subject location. In 2009, the subject property was registered, via a Zoning Use Certificate, as a retail bakery/restaurant with limited seating (Leon Bakery Cafe) to serve meals that clients can eat on site or take home. In 2013, a conditional use permit was granted by the Planning Hearing Officer that allowed the on-site sales, service, and consumption of beer and wine with sidewalk dining in the public right-of-way at the counter service restaurant. This conditional use permit expired on September 9, 2018.

Currently, the business owner operates as a full-service restaurant (Leon Cafe and Lounge - <https://www.leoncafeandlounge.com/>) at the project site without a business registration certificate. The hours of operation for the full-service restaurant are 6:00 p.m. to 12:00 a.m. Sunday to Thursday, and 6:00 p.m. to 2:00 a.m. Friday and Saturday. Similar to the previous use (Leon Bakery Café), additional sidewalk seating will be provided on the sidewalk public right-of-way. Two parking spaces are provided on the property and is accessed from the 25-foot wide alley is provided at the rear of the business.

The subject full-service restaurant will be located next door to another proposed full-service restaurant by the same operator at 2517 Canada Boulevard. The two full-service restaurant will operate independently with separate kitchens, dining, and service areas, located in separate buildings that are owned by two separate land owners. Each full service restaurant will require a separate business registration certificate. Since the two businesses are separate, they must file two individual administrative use permits for beer and wine with meals for each full service restaurant.

**Neighboring zones and uses:**

	Zoning	Existing Uses
North	C1 Neighborhood Commercial	Leon Café and Lounge, full-service restaurant.
South	C1 Neighborhood Commercial	Private club and office
East	R1650 Medium-High Density Residential	Multi-family residential
West	C1 Neighborhood Commercial	Daycare/preschool and multi-family
Project Site	C1 Neighborhood Commercial	Leon Café and Lounge, full-service restaurant.

**COMMENTS FROM OTHER CITY DEPARTMENTS:** The Police Department commented that four calls for police service were requested during the year of 2018 at the subject location relating to three complaints of noise (loud group within the restaurant, loud music, and loud talking at the sidewalk dining area) and one incident of petty theft. The Neighborhood Services Division reported Leon Bakery Café, during 2014/2015, had violated several conditions of approval of Condition Use Permit Case No. PCUP 1309247 by allowing the sales, service and consumption of beer and wine individually (not in conjunction with a meal), the sales, service and consumption of beer and wine beyond the hours conditionally approved (outside of hours of 12:00 p.m. to 10:00 p.m. each day of the week), smoking on premise in violation to the City's Fresh Air (smoking) Ordinance, and unpermitted modifications to the subject building, and the

adjacent building (2519 Canada Boulevard), combining the floor plans of both buildings and operating both spaces as a single operation. Since 2015, the reported Neighborhood Services issues have been resolved and the unpermitted modifications to the buildings have been removed and returned to its previous permitted floor plan layouts.

## **REQUIRED FINDINGS**

Pursuant to Section 30.49.030 of the Glendale Municipal Code, an administrative use permit may be granted only if the following findings of fact can be made:

- A. That the proposed use will be consistent with the various elements and objectives of the general plan.
- 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.
- C. That the use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property.
- 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.

Further, this request requires that additional findings of fact be made, as follows:

For applications involving the sale, serving or consumption of alcoholic beverages, the following criteria shall be considered in making the above findings A through D:

- 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;
- 2. That where the existing or proposed use is located in a crime reporting district with a crime rate which exceeds twenty (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;
- 3. That the existing or proposed use does not or will not adversely impact any church, public or private school or college, day care facility, public park, library, hospital or residential use within the surrounding area;
- 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; and
- 5. That, notwithstanding consideration of the criteria in subsections 1. through 4. above, the existing or proposed use does or will serve a public necessity or public convenience purpose for the area.

## ANALYSIS

The on-site sale, service and consumption of beer and wine at a new full-service restaurant would be consistent with the General Plan. The zoning designation for the subject property is C1(Neighborhood Commercial), and the General Plan Land Use Element designation is Commercial – Neighborhood. The purpose of the C1 zone is intended for small shopping centers, professional buildings, service centers and other commercial activities providing convenience goods and services to the surrounding residential neighborhood. The subject site is bounded by general commercial uses to the north and south, multi-family residences to the east (across Canada Boulevard), and a daycare and multi-family residences to the west (across the alley). The applicant's request is appropriate for subject location, as it complements the neighboring C1 zoned properties and provides a public convenience to the surrounding residential neighborhoods with a full-service restaurant that includes ancillary service and consumption of beer and wine in conjunction with a meal. Since the administrative use permit application only involves the sales of alcoholic beverages at a full-service restaurant, other elements of the General Plan, including the Open Space, Recreation, Housing and Noise Element, will not be impacted as a result of the project.

The request 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 3007.01, where five on-sale establishments are recommended. The Glendale Police Department reports there are currently two on-sale licenses within this tract, of which the Leon Café and Lounge is one. Based on arrests and Part 1 crime statistics for this census tract, there were 68 crimes, 62 percent below the citywide average of 180. While the Police Department reported four calls for police service to the subject location in 2018 relating to noise and petty theft, this department did not express major concern regarding the applicant's request. The Police Department did, however, recommend several conditions of approval, which have been incorporated within the draft decision letter to ensure there are no negative impacts to the public health, safety, general welfare, or the environment.

The proposed request will not adversely affect or conflict with adjacent uses or impede normal development of surrounding properties. The subject site is bounded by general commercial uses the north and south, multi-family residences to the east (across Canada Boulevard), and a daycare and multi-family residences to the west (across the existing alley). Within half mile radius of the subject site, there are two public parks (Catalina Verdugo Adobe and Glorietta Park), a pre-school/daycare center (Learning Stars Infant Care and Pre-school) and a church (Glendale Grace Church). A letter from the Director of the Learning Stars Infant Care and Pre-school, located west of subject site across the alley, stated that the additional service of beer and wine to the full-service restaurant will not be a detriment to the neighborhood or to the school. Additionally, a petition of support was submitted by the applicant on behalf of 50 patrons, some of whom live in the immediate neighborhood, supporting the sales of beer and wine with meals.

This application was routed to various departments and divisions within the city requesting comments regarding this request. The Neighborhood Services Division reported that the subject operator's previous business, Leon Bakery Café, had violated several conditions of approval of Condition Use Permit Case No. PCUP 1309249 during the year 2014/2015. The cited violations were regarding the sales, service and consumption of beer and wine individually (not in conjunction with a meal), beer and wine sales outside the hours conditionally approved (between 12:00 p.m. to 10:00 p.m. each day of the week), smoking on premise in violation to the City's Fresh Air (smoking) Ordinance, and unpermitted modifications to the subject building, as well as the adjacent building (2517 Canada Boulevard), combining the floor plans and

operating both buildings as a single operation. Since 2015, there have been no other issues cited at the subject location by the Neighborhood Services Division. The unpermitted modifications to both buildings have been removed and returned to its previous permitted floor plan layouts.

No major comments were received from the other various city divisions/departments regarding this request. It is not anticipated that adding beer and wine as an ancillary service with meals at a full-service restaurant will adversely impact the nearby multi-family and single-family residences. The ancillary sale of beer and wine for on-site consumption in conjunction with a full-service restaurant is a common service and is not typically associated with public drunkenness or other alcohol-related crimes. As conditioned, the request will not adversely affect or conflict with adjacent uses.

Adequate utilities, landscaping, parking spaces and traffic circulation measures are provided for the proposed use. The subject property is approximately 2,250 square-feet in size and developed with a 1,600 square-foot commercial building with two parking spaces at the rear of the building. Per City records, the subject building was reconstructed in 1989, due to earthquake damage, with a zero street front setback and two parking spaces at the rear. The subject building has been used as a commercial building for the past 30 years. Utilities for water, electricity, sewer and trash are currently provided for the existing restaurant use. The applicant proposes to change the operation of the restaurant from counter service to full-service. While the parking requirement for a full service restaurant (10 spaces per 1,000 square-feet of floor area) is above the requirement for a counter service restaurant (4 spaces per 1,000 square-feet of floor area), the Zoning Code allows for the interchange of uses, identified in section 30.32.030 (C) (2) of the municipal code, within tenant spaces of less than 2,000 square-feet in commercial zones without the need to provide additional parking. Because counter service restaurants and full service restaurants are listed within this provision, the Zoning Code does not require additional parking spaces for the proposed change of use. The applicant's request is not expected to create a negative parking or traffic related impact, as it is not anticipated the on-site sales, service and consumption of beer and wine in conjunction with a meal will not significantly increase the amount of patrons to the subject site. The existing building on the site occupies a majority of the property and there is no on-site landscaping.

Overall, the applicant's request to allow on-site sale, service and consumption of beer and wine at a fast food restaurant is supportable based on the facts surrounding this application and the findings:

## RECOMMENDATIONS:

Staff believes that the findings for the administrative use permit can be made and recommend that the request be granted.

### DRAFT FINDINGS

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

The on-site sale, service and consumption of beer and wine at a new full-service restaurant would be consistent with the General Plan. The zoning designation for the subject property is C1(Neighborhood Commercial), and the General Plan Land Use Element designation is Commercial – Neighborhood. The purpose of the C1 zone is intended for small shopping centers, professional buildings, service centers and other commercial activities providing convenience goods and services to the surrounding residential neighborhood. The subject site is bounded by general commercial uses to the north and south, multi-family residences to the east (across Canada Boulevard), and a daycare and multi-family residences to the west (across the alley). The applicant's request is appropriate for subject location, as it complements the neighboring C1 zoned properties and provides a public convenience to the surrounding residential neighborhoods with a full-service restaurant that includes ancillary service and consumption of beer and wine in conjunction with a meal. Since the administrative use permit application only involves the sales of alcoholic beverages at a full-service restaurant, other elements of the General Plan, including the Open Space, Recreation, Housing and Noise Element, will not be impacted as a result of the project.

**B. That the use and its associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment.**

According to the Glendale Police Department, the subject property is located in census tract 3007.01, where five on-sale establishments are recommended. The Glendale Police Department reports there are currently two on-sale licenses within this tract, of which the Leon Café and Lounge is one. Based on arrests and Part 1 crime statistics for this census tract, there were 68 crimes, 62 percent below the citywide average of 180. While the Police Department reported four calls for police service to the subject location in 2018 relating to noise and petty theft, this department did not express major concern regarding the applicant's request. The Police Department did, however, recommend several conditions of approval, which have been incorporated within the draft decision letter to ensure there are no negative impacts to the public health, safety, general welfare, or 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 subject site is bounded by general commercial uses to the north and south, multi-family residences to the east (across Canada Boulevard), and a daycare and multi-family residences to the west (across the existing alley). Within half mile radius of the subject site, there are two public parks (Catalina Verdugo Adobe and Glorietta Park), a pre-school/daycare center (Learning Stars Infant Care and Pre-school) and a church (Glendale Grace Church). A letter from the Director of the Learning Stars Infant Care and Pre-school, located west of subject site across the alley, stated that the additional service of beer and wine to the full-service restaurant will not be a detriment to the neighborhood or to the school. Additionally, a petition of support was submitted by the applicant on behalf of 50

patrons, some of whom live in the immediate neighborhood, supporting the sales of beer and wine with meals.

The application was routed to various departments and divisions within the city requesting comments regarding this request. The Neighborhood Services Division reported that the subject operator's previous business, Leon Bakery Café, had violated several conditions of approval of Condition Use Permit Case No. PCUP 1309249 during the year 2014/2015. The cited violations were regarding the sales, service and consumption of beer and wine individually (not in conjunction with a meal), beer and wine sales outside the hours conditionally approved (between 12:00 p.m. to 10:00 p.m. each day of the week), smoking on premise and in violation to the City's Fresh Air (smoking) Ordinance, and unpermitted modifications to the subject building, as well as the adjacent building (2517 Canada Boulevard), combining the floor plans and operating both buildings as a single operation. Since 2015, there have been no other issues cited at the subject location by the Neighborhood Services Division. The unpermitted modifications to both buildings have been removed and returned to its previous permitted floor plan layouts.

No major comments were received from the other various city divisions/departments regarding this request. It is not anticipated that adding beer and wine as an ancillary service with meals at a full-service restaurant will adversely impact the nearby multi-family and single-family residences. The ancillary sale of beer and wine for on-site consumption in conjunction with a full-service restaurant is a common service and is not typically associated with public drunkenness or other alcohol-related crimes. As conditioned, the request will not adversely affect or conflict with adjacent uses.

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

Adequate utilities, landscaping, parking spaces and traffic circulation measures are provided for the proposed use. The subject property is approximately 2,250 square-feet in size and developed with a 1,600 square-foot commercial building with two parking spaces at the rear of the building. Per City records, the subject building was reconstructed in 1989, due to earthquake damage, with a zero street front setback and two parking spaces at the rear. The subject building has been used as a commercial building for the past 30 years. Utilities for water, electricity, sewer and trash are currently provided for the existing restaurant use. The applicant proposes to change at the subject site from a counter service restaurant to a full service restaurant. While the parking requirement for a full service restaurant (10 spaces per 1,000 square-feet of floor area) is above the requirement for a counter service restaurant (4 spaces per 1,000 square-feet of floor area), the Zoning Code allows for the interchange of uses, identified in section 30.32.030 (C) (2) of the municipal code, within tenant spaces of less than 2,000 square-feet in commercial zones without the need to provide additional parking. Because counter service restaurants and full service restaurants are listed within this provision, the Zoning Code does not require additional parking spaces for the proposed change of use. The applicant's request is not expected to create a negative parking or traffic related impact, as it is not anticipated the on-site sales, service and consumption of beer and wine in conjunction with a meal will not significantly increase the amount of patrons to the subject site. The existing building on the site occupies a majority of the property and there is no on-site landscaping.

**REQUIRED ADDITIONAL FINDINGS OF FACT FOR AN AUP FOR ALCOHOL SALES, SERVICE AND CONSUMPTION:**

E. That all the criteria set forth in Section 30.49.030 (E) to be considered in making the findings in subsection A. through D. above have all been met and thoroughly considered:

- 1) That such use does not or will not tend to intensify or otherwise contribute to the adverse impacts on the surrounding area caused by over concentration as described above in finding B.
- 2) That such use does not or will not tend to encourage or intensify crime within the district as described above in finding B.
- 3) That such use does not or will not adversely impact any other uses within the surrounding area (church, public or private schools or college, day care facility, public park, library, hospital or residential use) as described above in findings C.
- 4) That the proposed use satisfies its transportation or parking needs as described above in finding D.
- 5) That, notwithstanding consideration of the criteria in subsections 1 through 4 above, alcoholic beverage sales, service and on-site consumption serves a public convenience for the area. The applicant's request for the on-site sales, service and consumption of beer and wine at a new fast food restaurant serves a public convenience because it serves local residents, businesses and the surrounding community. Conditions placed on the approval of the project will ensure that it will not adversely impact business and residential uses.

***For more information or to submit comments, please contact Dennis Joe, at (818) 937-8157 or [djoe@glendaleca.gov](mailto:djoe@glendaleca.gov).***

**ATTACHMENT:**

1. Location Map
2. Reduced Plans
3. Departmental Comments