



CITY OF GLENDALE, CALIFORNIA
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division

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July 16, 2013

Eddie Navarrette
(FE Design & Consulting)
327 East 2nd Street
Los Angeles, CA 90012

**RE: 1402 WEST KENNETH ROAD
CONDITIONAL USE PERMIT NO. PCUP 1307156
(Mi Corazon Restaurant)**

Dear Mr. Navarrette:

On July 10, 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 allow the sales, service, and on-site consumption of alcoholic beverages (beer and wine) at an existing full-service restaurant, located at **1402 West Kenneth Road**, in the "C1" Neighborhood Commercial Zone, described as Lots 37-45 of Tract No. 6165 and Lot 50 of Tract No. 6165 and vacated alley west of Grandview Ave and East of the Southern California Edison Easement, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

(1) A conditional use permit application is required for the sales, service, and consumption of alcoholic beverages in the "C1" zone (G.M.C. Chapter 30.12.020, Table 30.12-A).

APPLICANT'S PROPOSAL

(1) A conditional use permit to allow the sales, service, and on-site consumption of alcoholic beverages at an existing full-service restaurant located in the "C1" zone.

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 subject site is zoned C1 (Neighborhood Commercial) and within the Neighborhood Commercial designation of the Land Use Element of the General Plan. West Kenneth Road is a fully improved street and is classified as a Major Arterial street. This street serves many residential neighborhoods in the area as well as Kenneth Village. Mi Corazon is located within Kenneth Village alongside other retail and service businesses.

The Zoning Code permits a full-service restaurant within the C1 commercial district; however, on-site consumption of alcoholic beverages requires approved conditional use permit. The establishment is not a bar, tavern, or nightclub; the consumption of beer and wine with food is incidental to its primary operation as a restaurant.

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.

Mi Corazon Restaurant was established in June 2012 within an existing building and has been in operation for about one year without the service of beer and wine. No new construction is proposed in conjunction with the Conditional Use Permit (CUP) application. The site was previously occupied by Art's Meat Market, which was considered a retail use. While a retail establishment requires less parking than a full-service restaurant (1 space per 250 square feet vs. 1 space per 100 square feet respectively), additional parking spaces were not required for the change of use since the size of the tenant space (1,110 square feet) is less than 2,000 square feet.

No physical changes to the property are proposed that would negatively impact the health and safety of the general public or environment as a result of the service of beer and wine in a restaurant setting. To date, no complaints have been received from the public related to this business. The Police Department recommended appropriate conditions to further safeguard the health, safety, and general welfare of the public. Within the last calendar year, there were no calls for police service to this location. Mi Corazon is located within census tract 3014, which has a suggested limit of three on-sale establishments. Currently, there are no on-site licenses in this tract. Additionally, there were 39 crimes within the 2012 calendar year, which is 35% below the citywide average of 60.

There are a number of public institutions, such as schools, a church, and park/library located within the same general vicinity of the restaurant. However, these facilities are not located in the same immediate neighborhood as the restaurant and are not anticipated to be in conflict with the restaurant's request to serve beer and wine.

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

Mi Corazon restaurant is located within a neighborhood-based commercial district and surrounded by complementary low intensity uses. The consumption of beer and wine with food in a restaurant setting is a typical request and is not generally known to negatively impact nearby businesses or residents.

The consumption of beer and wine will be secondary to the service of food. It would not affect or conflict with adjacent uses or impede the normal development of surrounding property. The land use designation of the existing establishment, as a full-service restaurant, will remain unchanged.

Furthermore, the restaurant is surrounded by businesses that operate during normal business hours that are typically closed around 5:00 p.m. or 6:00 p.m. Mi Corazon will be one of two restaurants, aside from George's Cucina Italiana, that will remain open later than the majority of the businesses in Kenneth Village. Because of differences in operating hours among the restaurant and other merchants, impacts that are generally associated with parking will be significantly minimized.

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 subject site is developed with several freestanding buildings containing various businesses. Mi Corazon Restaurant is located in a one-story building that was constructed in 1945. There have been various businesses that occupied the building since its construction.

The building Mi Corazon occupies, is fully improved with all necessary utilities and has been continuously occupied by various businesses since its construction. The subject site is improved with a parking lot and some landscaping, as when the property was originally developed. West Kenneth Road is a Major Arterial street and adequately serves the subject site and surrounding commercial and residential developments. The service of beer and wine at this existing restaurant is not anticipated to generate additional traffic over the existing condition, since this is not a change in land use.

Since opening in June 2012, there is no record of complaints from the general public relating to Mi Corazon restaurant and no concerns have been expressed by the Traffic and Transportation and Neighborhood Services Divisions.

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 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 findings A and 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 school or college, day care facility, public park, library, hospital or residential area) as described above in finding B.
- 4) That the proposed use satisfies its transportation or parking needs as described above in findings C and D.
- 5) That the proposed use does or will serve a public necessity or public convenience purpose for the area as evidenced by the operation of this restaurant with alcoholic beverage on-site sales, service and consumption as described above in finding B.

SUMMARY OF PLANNING HEARING OFFICER'S DECISION

The Planning Hearing Officer was able to make the four findings in the affirmative to grant approval of the requested conditional use permit. The sales, service and consumption of beer and wine at the existing full service restaurant will be consistent with the General Plan. The Neighborhood Commercial designation encourages neighborhood-serving businesses. Mi Corazon is a small restaurant and the service of beer and wine will be accessory to this use. The proposed use will not be detrimental to the public health or safety in that no new construction is proposed and the Police Department did not have concerns related to the request to serve beer and wine. The request will not adversely affect or conflict with adjacent uses because the restaurant is already existing, has had no complaints since the operation began and alcohol service will be secondary to the primary restaurant use. Adequate facilities are provided in that no expansion of the restaurant is proposed and the business is located in an already-developed area fully serviced by public and private facilities.

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 Director of Community Development.

2. That all necessary licenses as required from Federal, State, County or City authorities including the City Clerk shall be obtained and kept current at all times.
3. That sufficient measures shall be enforced to effectively eliminate interior and exterior loitering, parking congestion, disturbing noise, disturbing light, loud conversation, and criminal activities.
4. That 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 (ABC).
5. That no speaker systems shall be installed outside the building.
6. 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 those areas where streetlights do not effectively illuminate the premises. No lighting shall be installed or maintained that shines or reflects onto adjacent properties.
7. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.
8. That all signs displayed shall conform to the requirements of the Glendale Municipal Code.
9. That noise shall be contained to the site, such that persons of normal sensitivity off-site are not disturbed.
10. 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.
11. 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.
12. That there shall be no dancing at any time on the premises.
13. Live entertainment may be permitted with the exception that 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.

14. That no alcoholic beverages shall be sold to be taken from the premises by patrons for off-site consumption.
15. That no patrons of the restaurant shall be allowed to bring into or maintain in the establishment any alcoholic beverages that have been purchased from outside of the establishment unless the facility has an established corkage policy allowing and regulating such.
16. That the restaurant shall remain open to the public during business hours.
17. 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.
18. That the sales, service, or consumption of beer and wine shall be permitted only between the hours of **8:00 a.m. to 10 p.m.** on Monday through Sunday.
19. That at all times when the premises are open for business, the service of any alcoholic beverage shall be made only in the areas designated with an ABC license. Consumption of alcoholic beverages will only be on those same licensed areas.
20. That there shall be no video machines maintained on the premises.
21. That the premises shall be operated in full accord with applicable State, County, and local laws.
22. 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 conditions of this approval.
23. That no exterior signs advertising the service of alcoholic beverages shall be permitted.
24. 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.
25. That no separate bar area shall be maintained.
26. That appropriate approvals be obtained from the Public Works/Engineering Department for sidewalk dining and such permit shall be kept current at all times.
27. That any expansion of the facility in service, amenity, and square footage requires a new conditional use permit to the satisfaction of the Director of Community Development.

28. That all landscape areas shall be kept clean and maintained with live plants free of dead or dying plants.
29. That a permit shall be required for the existing awning.
30. That the banner attached to the awning shall be removed.
31. That the restaurant shall adhere to the City's Fresh Air (smoking) Ordinance.
32. That a new Zoning Use Certificate shall be obtained to reflect the conditional use permit approval (no new fee is required).
33. That a sidewalk dining permit shall be renewed (the original permit expired on May 2, 2013).
34. That authorization granted herein shall be valid for a period of **six years until July 16, 2019.**

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 Building and Safety Division upon request and must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **July 31, 2013**, in the Building and Safety Division, 633 East Broadway, Room 101.

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.

REVOCAION, 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.

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,



Roger Kiesel
Planning Hearing Officer

RK:sm

CC: City Clerk (K.Cortes); Police Dept. (Tim Feeley/Z.Avila); City Attorney's Dept. (G. van Muyden/M.Yun); Fire Prevention Engineering Section-(D.Nickles); City Engineer and Traffic & Transportation Section (Roubik Golanian/G.Tom); Director of Public Works and General Manager for Glendale Water and Power (Stephen Zurn); Glendale Water & Power--Water Section (R.Takidin); Glendale Water & Power--Electric Section (M.Kelley/M.Jackson); Parks, Recreation and Community Services Dept. (Emil 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); Jeremy Swan; and case planner – Rathar Duong.