

January 24, 2014

Vahe A. Yapundjian and Azatui Yapundjian
1532 Allen Avenue
Glendale, CA 91202

**RE: 6410 SAN FERNANDO ROAD
CONDITIONAL USE PERMIT PCUP 1327020**
(Ambrosia Restaurant)

(see: PCUP 1317668 – for Banquet Hall)

Dear Mr. and Mrs. Yapundjian:

On December 4, 2013, the Planning Hearing Officer conducted and closed a public hearing, pursuant to the provisions of the Glendale Municipal Code, Chapter 30.42, regarding your application for a Conditional Use Permit to allow the on-site sales, service and consumption of alcoholic beverages with meals at a banquet hall at the Ambrosia Restaurant located at **6410 San Fernando Road**, described as a Portion of Lot 5, Block 108, Rancho Providencia and Scott Tract, in the C3 (Commercial Service), Height District I, Zone.

Code Requires: Approval of a conditional use permit is required for the on-site sales, service and consumption of alcoholic beverages at a banquet hall in the C3 I Zone (GMC Sec 30.12.020, Table 30.12-A).

CEQA Status: Exempt 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, the report by the Planning Division staff, 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. The proposed use will be consistent with the various elements and objectives of the General Plan.

Ancillary alcohol service at the proposed banquet hall will be consistent with the elements and objectives of the General Plan. The land use designation of the site is Community/Services Commercial. This designation is restrictive in terms of uses allowed, similar to that of Neighborhood Commercial areas, but for a larger market scale. Banquet halls draw customers from a wider geographic area and alcohol service is a common ancillary use for banquet halls. An objective of the City's Circulation Element is to minimize non-local vehicular traffic and parking in single and multiple family residential neighborhoods through land use management and traffic/parking control. The proposed banquet hall has adequate parking for the proposed change of use from a restaurant to a banquet hall. Operation of the banquet hall will be required to comply with the City's Noise Ordinance, and, as such, the request for alcohol service will comply with the Noise Element. No other General Plan Elements, including the Open

Space and Recreation and Housing Elements will be impacted as a result of the ancillary alcohol service at the proposed banquet hall.

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

Alcohol service at the proposed banquet hall will not be detrimental to the safety and public welfare of the neighborhood in general. The banquet hall use is located along the commercially-oriented San Fernando Road corridor. There are no known parks, churches, private or public schools or colleges, day care facilities, libraries or hospitals near the proposed restaurant. While the area where the banquet hall is proposed has more crime than in many other areas of the city, it is highly commercial, which could explain the area's higher crime rate. The Police Department and Neighborhood Services Division did not cite concerns related to this conditional use permit.

C. The use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property provided that the conditions of approval are followed.

Ancillary alcohol service at the proposed banquet hall will not impede the normal development in the surrounding area, since the site is already fully developed. The project would not impede any redevelopment of San Fernando Road, given the proposed banquet hall with ancillary alcohol service is a commercial use along the heavily-commercially street. While residential uses are located north of the site, no calls for police services or complaints to Neighborhood Services have been reported with regard to the existing restaurant, which would indicate that the banquet hall would not adversely impact the nearby residences, particularly given that the operator of the business will not change.

D. Adequate public and private facilities such as utilities, landscaping, parking spaces and traffic circulation measures are provided for the use.

The applicant's request to serve alcoholic beverages at a proposed banquet hall will not result in inadequate public or private facilities. The project site is already developed and associated facilities are existing. Ancillary alcohol service as part of operation of a banquet hall should not result in an increase in utility use. San Fernando Road is identified as a major arterial in the city's Circulation Element and this street can adequately handle the traffic circulation adjacent to the site. The site contains 38 parking spaces which is more than the parking required for the change of use from a restaurant to a banquet hall.

E. 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 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 finding C.
- 4) That the proposed use satisfies its transportation or parking needs as described above in finding D.
- 5) That the proposed use does or will serve a public necessity or public convenience purpose for the area as evidenced by the continued operation of this banquet hall with alcoholic beverage on-site sales, service and consumption as described above in finding A.

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 five criteria required for alcohol-related cases in Sub-Section 30.42.030(F), Glendale Municipal Code. 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:

1. 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. 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. The applicant shall comply with all conditions of approval for conditional use permit Case No. PCUP 1317668.
4. Alcoholic beverages shall be served only in conjunction with the consumption of food.
5. Any expansion or modification of the facility or use that intensifies the existing Conditional Use Permit shall require a new Conditional Use Permit application. Expansion shall constitute adding floor area, changes to the use or operation, or any physical change as determined by the Planning Hearing Officer, with concurrence from the Director of Community Development.
6. The sale and serving of alcoholic beverages shall be for consumption on the premises only.
7. No exterior signs advertising the sales/service of alcoholic beverages be permitted.
8. 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.

9. The facilities shall not be rented, leased or otherwise occupied for purposes not specified.
10. No patron of the business establishment shall be allowed to bring into the establishment or maintain in the establishment, any alcoholic beverage unless that alcoholic beverage was purchased within the same establishment and unless the facility has an established corkage policy allowing and regulating such.
11. Live entertainment with the exception that no bikini activities or events, no lingerie activities or events, no swimwear activities or events, nor similar activities or events be allowed where partial clothing or male or female entertainment is provided.
12. The front and back doors of the establishment shall be self-closing doors such that noise from the business will not impact the surrounding neighborhood.
13. A new zoning use certificate shall be obtained and shall reference this conditional use permit.
14. 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.
15. Dedicated security staff is required on-site when the banquet hall is in operation.
16. The proposed banquet hall shall adhere to the City's Fresh Air Ordinance.
17. The premises shall be maintained in a clean orderly condition free of weeds, trash and graffiti.
18. The service of alcoholic beverages shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control.
19. Access to the premises shall be made available upon request to all City of Glendale authorized staff (i.e. Planning and Neighborhood Services division, Building and Safety division, Fire Department, Police Department, etc.) in order to verify compliance with all laws and the conditions of this approval.
20. The authorization granted herein shall be valid for a period of **five years, until January 24, 2019**, 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 strong-

ly 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 **February 10, 2014**, 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 sold, 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.

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 and/or Hearing Officer who acted on this case. 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 undersigned.

Sincerely,



Jeff Hamilton
Planning Hearing Officer

JH:sm

CC: City Clerk (K. Cortes); Fire Prevention Engineering Section (D.Nickles); Community Development Dept. (T.Foy); City Engineer and Traffic & Transportation Section (Roubik Golanian); Glendale Water & Power--Water Section (M. Munguia); Glendale Water & Power--Electric Section (Belinda Ortiz); Parks, Recreation and Community Services Dept. (Emil Tatevosian); Neighborhood Services (A.Jimenez); Integrated Waste Management (D.Hartwell); Maintenance Services Section (D.Hardgrove); Environmental Management (M.Oillataguerra); Dir. of Public Works; Dir. of Water and Power; Police (S. Bickle/F. Jenks); Vahe and Azatui Yapundjian--applicant; and case planner – Roger Kiesel