



CITY OF GLENDALE, CALIFORNIA

Community Development
Planning

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glendaleca.gov

June 9, 2020

Nareg Khodadadi
213 N. Orange Street - Suite E
Glendale, CA 91203

**RE: 317 NORTH VERDUGO ROAD
ADMINISTRATIVE USE PERMIT NO. PAUP2002988**

(Evropa Restaurant)

Dear Mr. Khodadadi:

Pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.49, the Community Development Department has processed your application for an Administrative Use Permit to allow on-site sales, service, and consumption of alcoholic beverages (Type 47) at a new full-service restaurant (Evropa Restaurant) within a 1,535 square-foot commercial tenant space at an existing, one-story shopping center, located at **317 North Verdugo Road**, in the "C1" – Neighborhood Commercial Zone, described as Portion of Lot 83, Watts' Subdivision of a Part of the Rancho San Rafael, in the City of Glendale, in the County of Los Angeles.

CODE REQUIRES

(1) The on-site sales, service, and consumption of alcoholic beverages requires an administrative use permit in the C1 Zone.

APPLICANT'S PROPOSAL

(1) To allow the on-site sales, service, and consumption of alcoholic beverages (Type 47) at a new full-service restaurant.

ENVIRONMENTAL DETERMINATION

The project is exempt from CEQA review as a Class 1 "Existing Facilities" exemption pursuant to State CEQA Guidelines Section 15301 because this project is proposing to allow on-site sales, service, and consumption of beer and wine for a new full-service restaurant within an existing commercial tenant space and involves no expansion of the existing space.

After considering the evidence presented with respect to this application, the Director of Community Development has **APPROVED WITH CONDITIONS** your request based on the following findings:

REQUIRED/MANDATED FINDINGS

After thorough consideration of the statements contained in the application, the plans submitted therewith and the above analysis by Community Development Department staff, this Administrative Use Permit application is approved based on the following:

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

The applicant is requesting approval of an Administrative Use Permit to allow on-site sales, service, and consumption of alcoholic beverages for a new full-service restaurant (Evropa Restaurant). The zoning land use designation for the subject property is C1 (Neighborhood Commercial), and the General Plan Land Use Element designation is Commercial - Neighborhood. The C1 zone is intended as a zone for small shopping centers, professional buildings, service centers and other commercial activities providing convenience goods and services to the surrounding residential neighborhood in conformance with the comprehensive General Plan of the City.

A variety of uses are permitted in this zone, and a full-service restaurant is one of the intended uses. Alcoholic beverage sales are an administratively permitted use in the C1 zone. Evropa Restaurant will be located in one of the tenant spaces of the existing one story shopping center that was built in 1974. The subject property is bounded by general commercial uses and the Glendale Fire Station No.25 to the north, medical office use to the east, and multifamily residential uses to the south and west. The service of alcoholic beverages in conjunction with a meal at a bona fide full-service restaurant is appropriate for the subject location, as it not only adds to the variety of uses and dining options offered at the shopping center and the surrounding community, but also complements commercial activity along Verdugo Road and Chevy Chase Drive. The Circulation Element identifies North Verdugo Road as a Major Arterial and Chevy Chase Drive as a Minor Arterial; these streets are fully improved and can adequately services the subject site and surrounding commercial developments.

Since the site has been fully developed since 1974 and the Administrative Use Permit application only involves the on-site sales, service, and consumption of alcoholic beverages at a new full-service restaurant with no changes to the existing building, 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.

The on-site sales, service, and consumption of alcoholic beverages at the new full service restaurant will not be detrimental to the public health or safety, the general welfare, or the environment. The project has been reviewed by the Police Department and the Divisions of Neighborhood Services, Building & Safety, and Planning within the Community Development Department to identify potential

negative impacts of the project on the public health, safety, general welfare or environment. According to the Glendale Police Department, the subject property is located in census tract 3020.04, where four on-sale establishments are recommended. The Glendale Police Department reports there is currently one on-sale license in this tract, which Evropa Restaurant would bring the total to two. The ancillary sale of alcoholic beverages for on-site consumption in conjunction with a full-service restaurant is a common service that is not typically associated with public drunkenness or other alcohol-related crimes. Based on Part 1 crime statistics for this census tract in 2019, there were 73 crimes, 56% below the city wide average of 167. Within the last calendar year, there were no calls for police service at the location. Neither the Police Department nor Neighborhood Services division cited concerns related to this project. However, recommended conditions of approval by the Police Department are incorporated in the staff recommendation 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 proposed on-site sales, service, and consumption of alcoholic beverages at a new full-service restaurant will not adversely affect or conflict with adjacent uses or impede normal development of surrounding properties. The project site is currently bounded by bounded by a general commercial uses and the Glendale Fire Station No.25 to the north, medical office use to the east, and multifamily residential uses to the south and west. The request is not anticipated to interfere with the existing operations or development of the neighboring uses since ancillary sale of alcoholic beverages for on-site consumption in conjunction with a full-service restaurant is a common service that is not typically associated with public drunkenness or other alcohol-related crimes as mentioned above.

Additionally, there is a public church (Church of Jesus Christ of Latter-day Saints), two public schools (John Marshall Elementary School and Wilson Middle School), a hospital (Glendale Adventist Medical Center), a public park (Piedmont Park), and a public library (Glendale Central Library) within quarter mile of the subject location. However, it is not anticipated the proposed on-site consumption of alcoholic beverages at Evropa Restaurant will be detrimental to the nearby uses, given the fact that there already is an existing dining establishment (Buko Restaurant) with on-site consumption of alcoholic beverages within the shopping center. The applicant's request complements the new full-service restaurant's operation and the surrounding and nearby uses, as it offers the surrounding and nearby uses a new and convenient location for on-site consumption of alcoholic beverages in conjunction with a meal. The sale of alcoholic beverages for on-site consumption with a meal will remain ancillary to the business' primary commercial activity as a full service restaurant.

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.

This application does not include any new floor area or proposed modifications to the existing site, which was developed as a shopping center and has been utilized by commercial uses for more than 45 years. Adequate public and private facilities, such as utilities, landscaping, and parking spaces are all existing and will continue to be provided for the proposed use without issue. Evropa Restaurant will occupy one of the existing tenant spaces of an existing shopping center on site. The site has been fully developed since 1974 and is located in a developed commercial district with all required utilities such as gas, electricity, water, sewers, and landscaping already in place.

The applicant's request is not expected to create a negative parking or traffic related impact, as it is not anticipated that the proposed on-site sales, service and consumption of alcoholic beverages in conjunction with a meal will significantly increase the amount of patrons to the subject property that is developed with a shopping center with multiple businesses and has been serving many patrons over four decades. Because the subject tenant space was previously occupied by a massage parlor (personal service use) with floor area of less than 2,000 square feet, Evropa Restaurant qualifies for exemption of additional parking requirements under GMC 30.32.030(C); therefore, there is no increase in required parking. There are 61 parking spaces available on-site, which will continue to adequately serve all the tenants and patrons at the shopping center. The Circulation Element identifies North Verdugo Road as a Major Arterial and Chevy Chase Drive as a Minor Arterial; these streets are fully improved and can adequately services the subject site and surrounding commercial developments.

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 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, or residential use) as described above in findings B. and 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, sale of alcoholic beverages for on-site consumption

serves a public convenience for the area. The applicant's request to allow on-site sales, service, and consumption of alcoholic beverages at a new full-service restaurant serves 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.

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 permits shall be obtained from the Building and Safety Division and all construction shall be in compliance with the Glendale Building Code and all other applicable regulations.
3. That all necessary licenses, approvals and permits as required from Federal, State, County or City authorities including the City Clerk shall be obtained and kept current at all times.
4. 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, increased hours of operation, changes to the use or operation, or any physical change as determined by the Director of Community Development.
5. That sales, service or consumption of alcoholic beverages shall be permitted only between the hours of 11:00 a.m. to one hour prior to closing of the restaurant each day of the week.
6. 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 Alcoholic Beverage Control (ABC) license. Consumption of alcoholic beverages will only be on those same licensed areas.
7. That no patron of the restaurant shall be allowed to bring any alcoholic beverages that were purchased off-site, unless the restaurant has an established corkage policy allowing and regulating such.
8. That the restaurant shall remain open to the public during business hours. If the establishment has a private party during normal business hours, the restaurant still needs to remain open for business to regular customers.

9. 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.
10. 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.
11. That the full service restaurant shall not become a tavern. An establishment that primarily provides for the on-premises sale, serving and consumption of alcoholic beverages and that derives more than fifty (50) percent of gross revenues from the sale of alcoholic beverages is by definition of the code a "tavern" and requires approval of a separate conditional use permit. Taverns include bars, pubs, cocktail lounges and similar establishments.
12. Those premises may be utilized for banquets, private parties, or other events, provided that all events comply with the provisions of the applicant's Alcoholic Beverage Control license, and provided they have appropriate Conditional Use Permits and Use Variances if required.
13. That the service of alcohol shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control.
14. That if the establishment intends to have a dance floor, the dance floor may not exceed 200 square feet, and dancing will only be allowed on the premises in designated dance floor areas with a proper "Dance" permit. Any establishment serving alcoholic beverages which has a dance floor of greater than 200 square feet is considered a nightclub and will require a separate conditional use permit.
15. That music or noise shall be contained within the edifice of the establishment. The business shall comply with the state and local laws and ordinances concerning excessive noise and disturbing the peace. No amplified sound may be produced without first obtaining an "Amplified Sound Permit."
16. That no live entertainment is permitted without a "Live Entertainment Permit."
17. The front and back doors of the establishment shall be kept closed at all times while the location is open for business, except in case of emergency.
18. That the sale of alcoholic beverages for consumption off the premises is strictly prohibited.
19. That the establishment's manager and or staff should be proactive in the enforcement of the City of Glendale Clean Air Act.
20. That access to the premises shall be made available to all City of Glendale Planning and 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.

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 **JUNE 24, 2020**.

Any appeal must be filed on the prescribed forms within fifteen (15) days following the actual date of the decision. Information regarding appeals, appeal forms and fees will be provided by the Community Development Department (CDD) staff upon request by calling 818-548-2140.

Due to the current COVID-19 social distancing and work from home orders issued by federal, state and local governmental agencies, in order for any appeal to be considered timely, **the appeal must be postmarked by the JUNE 24, 2020 deadline (mailed to Community Development Department – Planning Division, Attention Minjee Hahm, 633 East Broadway, Room 103, Glendale, CA 91206) OR emailed to the case planner (Minjee Hahm at mhahm@glendaleca.gov) prior to the close of said business day.** The prescribed fee must be included along with the appeal application and may be submitted either in the form of a check or credit card payment. For credit card payment, please contact the case planner to make arrangements with the cashier. Note: The standard 2.5% fee for credit card payment applies.

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

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 administrative 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 30.4 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.

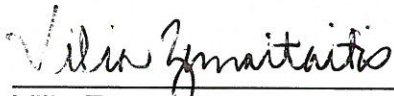
NOTICE—subsequent contacts with this office

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, Minjee Hahm at (818) 937-8178 or mhahm@glendaleca.gov.

Sincerely,

Philip Lanzafame
Director of Community Development



Vilia Zemaitaitis, Principal Planner
Planning Hearing Officer

VZ:MH:sm

CC: City Clerk (K.Cruz); Police Dept. (A.Jenks/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(J.Halpert); Traffic & Transportation Section (P.Casanova); General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (G. Tom/S. Boghosian/R.Takidin); Glendale Water & Power--Electric Section (B. B.Ortiz/E.Olsen/ M.Navareete/M.Kouassi); Parks, Recreation and Community Services Dept. (T. Aleksanian); Neighborhood Services Division (R.Sada/J.Jouharian/); 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 –Minjee Hahm.