



CITY OF GLENDALE, CALIFORNIA

Community Development
Planning

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December 22, 2022

Thai Me Upp
Attn: Victor Vanacore
11915 Susan Drive
Granada Hills, CA 91344

RE: 818 NORTH PACIFIC AVENUE -- UNIT 'D'
ADMINISTRATIVE USE PERMIT CASE NO. PAUP 2203969
(Thai Me Upp)

Dear Mr. Vanacore:

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 (AUP) to allow the on-site sales, service and consumption of beer and wine (ABC License Type 41) at an existing full-service restaurant, located at **818 North Pacific Avenue, Unit 'D'**, in the "C2 II" - Community Commercial Zone, described as Portions of Lots 1 and 2, Tract No. 1092, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

- (1) The on-site sales, service, and consumption of alcoholic beverages requires an Administrative Use Permit in the C2 – Community Commercial Zone.

APPLICANT'S PROPOSAL

- (1) To allow the on-site sales, service, and consumption of beer and wine (Type 41) at an existing fullservice 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 the discretionary permit request is to allow for the on-site sales, service and consumption of alcoholic beverages at an existing full-service restaurant within an existing commercial space and there is no added floor area proposed.

REQUIRED/MANDATED FINDINGS

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

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

The existing use will be consistent with the various elements and objectives of the General Plan. The on-site sales, service and consumption of beer and wine at an existing full-service restaurant (Thai Me Upp) within a commercial strip center is appropriate in an area of the City zoned for commercial uses and will provide an option for the dining public to enjoy alcoholic beverages with their meals. The subject site is located in the Community Commercial zone (C2 II) zone and the General Plan Land Use Element designation is Community Services. Goods and services that are offered in this zone generally attract clientele from the adjoining residential neighborhoods as well as the surrounding community.

The on-site sales, service and consumption of beer and wine at an existing full-service restaurant (Thai Me Upp) will be consistent with the various elements and objectives of the General Plan. The land use designation of the site is Community Services where retail services along a major arterial, such as North Pacific Avenue, are desired. The project site is already developed with a two-story commercial center and the applicant's request is to allow the continued on-site sales, service and consumption of alcoholic beverages at an existing full-service restaurant (Thai Me Upp). The project site is surrounded by other complementary businesses, including retail and service type uses. The proposed conditions of approval will serve to mitigate any potential impacts on surrounding properties, including the adjacent medical offices, private specialized schools and surrounding high density residential projects to the southeast. Furthermore, given the orientation of the L-shaped commercial center (and restaurant) facing the south-east corner of North Pacific Avenue and Arden Avenue, as well as the location of the existing parking lot, the project site is buffered from surrounding uses and streets. Other elements of the General Plan, including Open Space, Recreation, Housing, and Noise Elements, will not be impacted as a result of the applicant's request, as the site is existing. This application does not include any added floor area or modifications to the existing building; therefore, there will be no increase in required parking for this use.

The Circulation Element identifies North Pacific Avenue as a major arterial at this location and Arden Avenue as an urban collector. These streets are fully developed and can adequately handle the existing traffic circulation around the site. The project site is surrounded by commercially-zoned properties with high density residential properties located southeast of the subject site. The applicant's request for on-site sales, service and consumption of beer and wine at an existing full-service restaurant with meals, is not anticipated to create any negative traffic-related impacts on North Pacific Avenue, Arden Avenue, and surrounding uses over and above the existing conditions.

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 use and its associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment. This location has operated as a full-service restaurant since 2012. The existing full-service restaurant, Thai Me Upp, has operated from this location since 2016. While the existing restaurant has never applied for or received an administrative use permit for the on-site consumption and sale of alcoholic beverages, multiple tenants in the building have received approvals for variances, conditional use permits and administrative use permits to allow such a use since 1993 (including units I, L and M).

The on-site sales, service and consumption of beer and wine at an existing full-service restaurant will not be detrimental to the health, safety and public welfare of the neighborhood in general. According to the Glendale Police Department, the subject property is located in Census Tract 3018.01 where the suggested limit for on-sale alcohol establishments is six. There are currently 16 on-sale licenses in this tract, with Thai Me Upp bringing it to 17 licenses. Based on Part 1 crime statistics for Census Tract 3018.01, in 2021, there were 180 crimes, 8% above the city wide average of 167. Within the last calendar year, there were no calls for service to the Glendale Police Department for this location.

This application was routed to both the Neighborhood Services Division and the Glendale Police Department for comments, and neither cited any major concerns with the request to operate with the on-site sales, service, and consumption of alcoholic beverages at this location.

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

The on-site sales, service and consumption of beer and wine at an existing full-service restaurant will not adversely conflict with adjacent uses or impede the normal development of surrounding property, as conditioned. The project site is surrounded by other complementary businesses, including retail and service type uses. As noted above, the proposed conditions of approval will serve to mitigate any potential impacts on surrounding properties, including the adjacent medical offices, private specialized schools and surrounding high density residential buildings.

The request to continue the on-site sales, service and consumption of beer and wine is not anticipated to adversely conflict with surrounding properties as it will be ancillary to the primary use, a restaurant. Furthermore, the subject tenant space is located within an existing commercial strip center, oriented towards the intersection of North Pacific Avenue and Arden Avenue, and not readily accessible from the abutting residential use at the rear corner of the lot. The consumption of a full line of alcohol at the existing full-service restaurant will not conflict with adjacent or nearby land uses.

There are no churches, public schools, children's day care facilities, public parks, libraries, or hospitals within the immediate area of the subject property. The closest public facility is Casa Verdugo Library (0.8 miles northeast). While this facility is within proximity to the subject site, it is located outside the immediate neighborhood, and no off-site sales of alcoholic beverages will be permitted.

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 public and private facilities, such as utilities, landscaping, parking spaces and traffic circulation measures are provided for the proposed use. The project site is already developed and associated facilities are existing. The existing full-service restaurant, "Thai Me Upp," has been operating at this location since 2016. This application does not propose any added floor area or modifications to the existing building; therefore, there will be no increase in required parking for this use. The applicant's request for on-site sales, service and consumption of beer and wine at an existing full-service restaurant is not anticipated to create any negative traffic-related impacts on North Pacific Avenue or Arden Avenue, over and above the existing conditions.

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 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 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 (ABC), 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. The sale of beer and wine incidental to food service at the existing restaurant site does not, or will not, tend to encourage or intensify crime by adding another ABC Type 41 license to the reporting district, as noted in Finding B above.
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. As noted in Finding B above, the crime rate in Census Tract 3018.01 in 2021 is 8% above the city-wide average of 167 for Part 1 crimes. No evidence has been presented

that would indicate that the on-site sales, service and consumption of beer and wine at the subject site would encourage or intensify crime within the district.

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 schools or college, day care facility, public park, library, hospital or residential use). While several facilities and uses are within close proximity, the applicant's request will not impede the operation of such uses since the restaurant within the shopping strip center is not directly adjacent to the above uses.
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 as described. The ancillary service of beer and wine at the existing full-service restaurant, "Thai Me Upp" is not anticipated to intensify traffic circulation or parking demand. The site is fully developed and adequate parking and loading facilities are currently provided. This application does not include any added floor area or modifications to the existing building; therefore, there will be no increase in required parking for this use.
5. That, notwithstanding consideration of the criteria in subsections 1 through 4 above, beer and wine sales, service and on-site consumption does serve a public convenience for the area. The applicant's request to allow the continued on-site sales, service and consumption of beer and wine at an existing full-service restaurant does serve a public convenience because it will provide alcoholic beverages in conjunction with meal service for 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.

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 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.
3. That the sales and service of beer and wine shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control.

4. That the hours of operation for the full-service restaurant shall be limited 11:00 a.m. to 10:00 p.m. Tuesday through Friday and 12 p.m. to 9:30 p.m. Saturday and Sunday.
5. That sufficient measures shall be enforced to effectively eliminate interior and exterior loitering, parking congestion, distributing noise, distributing light, loud conversation, and criminal activities.
6. That the premises shall remain open to the public during business hours as a full-service restaurant only as defined in Chapter 30.70 of the Glendale Municipal Code (GMC). If the establishment has a private party during normal business hours, the restaurant needs to remain open for business to regular customers.
7. That at all times when the premises are open for business, the service of any beer and wine shall be made only in the areas designated with an ABC license. Consumption of alcoholic beverages shall only be on those same licensed areas.
8. That no patron of the business establishment will be allowed to bring into any establishment or maintain in the establishments, any alcoholic beverage unless that beer and wine was purchased within that same establishment unless the facility has an established corkage policy allowing and regulating such.
9. That there shall be no bar or lounge area on the premises maintained solely for the purpose of sales, service, or consumption of beer and wine by patrons.
10. That no exterior signs advertising the sales and service of alcoholic beverages shall be permitted.
11. That music or noise shall be contained within the edifice of the establishment. The business shall comply with all state and local laws and ordinances concerning excessive noise and disturbing the peace.
12. That 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.
13. That the restaurant shall adhere to the City's Fresh Air Ordinance, Title 8, Chapter 8.52 of the Glendale Municipal Code. The permitted smoking area(s) shall be properly designated and posted. A site plan showing permitted places of employment and permitted smoking area(s) shall be submitted to the satisfaction of the City's Fresh Air Ambassador and such approved plan shall be posted on-site at the cashier area.
14. 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.

15. That all signs displayed shall conform to the requirements of the Glendale Municipal Code.
16. That a Business Registration Certificate shall be applied for and issued for a full-service restaurant with on-site sales, service and consumption of beer and wine subject to the findings and conditions outlined in this decision letter.
17. That any expansion or modification of the facility or use which intensifies the 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 Planning Hearing Officer, with concurrence from the Director of Community Development.
18. That the authorization granted herein shall be valid for a period of **TEN (10) YEARS, UNTIL December 14, 2032.**

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. Any appeal must be filed online with the prescribed fee prior to expiration of the 15-day appeal period, on or before **JANUARY 6, 2023**. All appeals must be filed using the City's online permitting and licensing portal: www.GlendalePermits.org, at the Permit Services Center (PSC), 633 East Broadway, Room 101, Monday thru Friday 7:00 a.m. to 12:00 p.m., or at the Community Development Department (CDD), 633 East Broadway, Room 103, Monday thru Friday 12:00 p.m. to 5 p.m. Information regarding appeals, appeal forms and fees may be obtained by calling the Community Development Department staff at 818-548-2140, or the case planner, Sadie Gropen, at 818-937-8178.

GMC CHAPTER 30.41 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.

Cessation

An Administrative Use Permit may be terminated by the review authority upon any interruption or cessation of the use permitted by the Parking Reduction Permit for one year or more in the continuous exercise in good faith of such right and privilege.

Extension

Permits granted by such right or privilege 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 Parking Reduction Permit.

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.

REVOCAION

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over Administrative Use Permits. To consider the revocation, the Director of Community Development 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.

NOTICE – subsequent contacts with this office

The Applicant is further advised that all subsequent contacts with this office regarding this determination must be with the Case Planner first and then, the 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 case planner, Sadie Gropen, at 818-548-8178 or sgropen@glendaleca.gov.

Sincerely,

Bradley Calvert
Director of Community Development



Vilia Zemaitaitis, AICP
Planning Hearing Officer

CC: City Clerk (K.Cruz); Police Dept. (J.Newton/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section (F.McLean); Traffic & Transportation Section (P.Casanova/Mark Bueno); General Manager for Glendale Water and Power (M.Young); Glendale Water & Power--Water Section (G. Tom/S.Boghosian/R.Takidin/ C.Babakhanlou/D.Scorza); 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; Integrated Waste Management Admin; Maintenance Services Section Admin.; Street and Field Services Admin.; Engineering and Environmental Management; and case planner – Sadie Gropen.