



CITY OF GLENDALE, CALIFORNIA

Community Development
Planning

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August 29, 2023

Marcos Guevara
1404 West Kenneth Road
Glendale, CA 91202

**RE: 1404 WEST KENNETH ROAD
ADMINISTRATIVE USE PERMIT NO. PAUP1920728
("Arts Deli and Meat Market")**

(ALSO SEE: PARKING REDUCTION PERMIT NO. PPRP1920730)

Dear Mr. Guevara:

On August 9, 2023, the Planning Hearing Officer conducted and closed a public hearing, 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) application, to expand the existing on-site sale, service and consumption of beer and wine to the new full-service restaurant use**, in the "C-1" - (Neighborhood Commercial) Zone, located at **1404 West Kenneth Road**, described as Lots 37-45 and 50, Tract No. 6165, in the City of Glendale, County of Los Angeles, State of California, as per map recorded in Map Book 69, Page 98, in the Office of the County of Recorder of said county, in the City of Glendale, County of Los Angeles.

NOTE: An application has also been submitted for a Parking Reduction Permit to allow a change of use from retail (with 8 seats) to "restaurant, full service" (21 seats) for an existing 2,213 square foot (SF) tenant space ("Art's Deli and Meat Market") in the C1 (Neighborhood Commercial) Zone, without providing the 13 additional parking spaces required by Glendale Municipal Code Title 30 (GMC or "Code"), Section 30.32.050.

ENVIRONMENTAL DETERMINATION

This project is categorically exempt from California Environmental Quality Act (CEQA) review under Section 15301 "Existing Facilities," because the project involves negligible expansion of an existing use (a change of use from "retail with eight (8) seats" to "restaurant, full-service").

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. The proposed use will be consistent with the various elements and objectives of the General Plan

The applicant's request to allow the sale of beer and wine (Type 41) for on-site consumption at a full-service restaurant will be consistent with the elements and objectives of the General Plan. The subject site is in the C1 (Neighborhood Commercial) zone, and the General Plan Land Use Element designation is Neighborhood Commercial. Goods and services that are offered in this zone generally attract clientele from the adjoining residential neighborhoods. The sale of beer and wine for on-site consumption at this location is appropriate in an area of the city zoned for commercial uses and will continue to provide an option for the community to purchase alcoholic beverages for on-site consumption. Retail and service uses are permitted in the C1 (Neighborhood Commercial) zone and are consistent with the Neighborhood Commercial land use designation. The Circulation Element identifies West Kenneth Road and Grandview Avenue as community collector streets that are fully developed and can adequately handle the existing traffic circulation around the site. These streets serve the adjacent residential neighborhoods in the area and the Kenneth Village shopping area where the subject site is located. The Kenneth Village shopping area features retail and service uses adjacent to single-family residential properties. The project site is already developed. The other elements of the General Plan, including Open Space, Recreation, Housing, and Noise, will not be impacted because of the applicant's request as this is an existing development in the city, and there is no expansion proposed. Subject to approval of the related Parking Reduction Permit being processed concurrently for this project, the applicant's request to sell beer and wine for on-site consumption is not anticipated to create any negative traffic-related impacts on West Kenneth Road and Grandview Avenue over and above the existing conditions, as the proposal is an ancillary service to the restaurant.

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.

The sale of beer and wine for on-site consumption at the proposed full-service restaurant and market is not expected to be detrimental to the public health, safety, general welfare, or to the environment. According to the Glendale Police Department the subject property is in Census Tract 3015.01 where the suggested limit for

off-sale alcohol establishments is one. Currently, there are two on-sale establishments located in Census Tract 3015.01, including the subject project. The ancillary sale of beer and wine 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 arrests and Part 1 crime statistics for this Census Tract, there were 36 crimes reported in this tract, which is 80% below the citywide average of 167. Within the last calendar year there was one call for police service at the location for a group disturbing of the peace. Police Department suggested conditions of approval are incorporated in the staff recommendation, to ensure there are no negative impacts to the public health, safety, general welfare, or the environment. In addition, no evidence was presented that would indicate that the incidental sale of beer and wine for on-site consumption with meals, in connection with the increased number of seats, would encourage or intensify crime within the district.

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.

The applicant's request to allow the sale of beer and wine for on-site consumption at a full-service restaurant is not anticipated to conflict with adjacent uses or impede the normal development of surrounding property. According to City records, a market has been located at this location for nearly 60 years. A deli (counter service restaurant) was added to the market in 1983. This property has proven to be compatible with the surrounding residences and businesses in the area. The use of the building will continue in a similar manner, but with 21 seats instead of eight seats. The restaurant was previously operating from 7 a.m. to 10:30 p.m. daily. The new proposed hours of operation are 8:00 a.m. to 10:30 p.m. The subject site is located in an established commercial district that serves nearby uses and the local community. The accessory use of beer and wine sales will be incorporated into the restaurant. Therefore, it is not anticipated that the expansion of seats in conjunction with the sale, service and consumption of beer and wine will conflict with adjacent uses or impede the normal development of surrounding property. Customer service hours for the full-service restaurant are proposed to be limited to 8:00 a.m. to 10:30 p.m. Additionally, the operation will be in compliance with the Fresh Air Ordinance so as to not conflict with adjacent uses.

There are no identified sensitive land-uses of day care facilities, public parks, libraries, or hospitals in the immediate neighborhood. However, there are two churches located within the immediate area of the subject site: New Life Christian Church located at 1020 West Kenneth Road (315 feet to the east), and Saint Kevork Armenian Church located at 1434 West Kenneth Road (371 feet to the west). While these churches are in the immediate area, the applicant's request is not anticipated

to negatively impact these uses as the alcoholic beverage sales is for on-site consumption with the service of food. In addition, there is one park and four public schools located in the vicinity: Balboa Elementary School, located at 1844 Bel Aire Drive (0.9 mile to the northwest), Brand Library and Park, located at 1601 West Mountain Street (0.8 miles to the north), Mark Keppel Elementary School located at 730 Glenwood Road (0.9 mile to the southeast), Eleanor J. Toll Middle School located at 700 Glenwood Road (1 mile to the southeast), and Herbert Hoover High School located at 651 Glenwood Road (1 mile to the southeast). While these facilities and uses are within the vicinity, they are well outside the immediate 500' radius of the project site, and outside of walking distance (1/4 mile) from the project site. It is not anticipated that any negative impacts to these uses would occur based on the applicant's request to allow on-site sales of beer and wine with the service of food. The expansion in the number of seats associated with the sale, service and consumption of beer and wine is not anticipated to create additional noise as it is contained within the building, and it will provide an amenity for customers.

The Circulation Element identifies West Kenneth Road and Grandview Avenue as community collector streets that are fully developed and can adequately handle the existing traffic circulation around the site. These streets serve the adjacent residential neighborhoods in the area and the Kenneth Village shopping area where the subject site is located. The applicant's request to sell beer and wine for on-site consumption is not anticipated to create any negative traffic-related impacts on West Kenneth Road and Grandview Avenue over and above the underlying restaurant condition (full-service restaurant).

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

Adequate public and private facilities such as utilities, landscaping and traffic circulation measures are and will be provided for the restaurant. In the current application, the ability to sell, serve and consume beer and wine with food service at the full-service restaurant is not anticipated to increase the need for new public or private facilities. The surrounding neighborhood is developed with adequate public and private facilities and infrastructure. No changes are anticipated to parking demand or traffic circulation by the addition of beer and wine service at the restaurant. The applicant's AUP request for beer and wine sales will not require any new city services, nor will it require any changes to landscaping, parking, or traffic circulation.

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. 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. Such use does not encourage or intensify crime within the district, as described above in finding B.
3. 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. The proposed use satisfies its transportation or parking needs, as described above in finding D.
5. 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 A.

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 Planning Hearing Officer.
2. That any expansion or modification of the facility or use which intensifies this 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.
3. That any seats provided outside of the restaurant/market that are within the public right-of-way shall obtain a Sidewalk Dining Permit from the Public Works Department.
4. 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.
5. That access to the premises shall be made available upon request to all City of Glendale authorized staff (i.e., Community Development Department, Neighborhood Services Division, Building and Safety Division, Fire Department, Police Department, etc.) for the purpose of verifying compliance with all laws and the conditions of this approval.
6. That the full-service restaurant shall adhere to the City's Fresh Air (smoking) Ordinance (GMC Section 8.52).

7. That the facilities shall not be rented, leased, or otherwise occupied for purposes not specified.
8. 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.
9. That no patron to any of the business establishments will be allowed to bring into any establishment or maintain in the establishments, any alcoholic beverage unless that alcoholic beverage was purchased within that same establishment unless the facility has an established corkage policy allowing and regulating such.
10. 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.
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 video machine maintained upon the premises.
13. That dancing is only allowed on the premises in designated dance floor areas, with a proper "Dance" permit.
14. That no live entertainment is permitted without a "Live Entertainment Permit". No karaoke, 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.
15. 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.
16. 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.
17. That 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.
18. That the sale of beer, wine, and/or distilled spirits for consumption off the premises is strictly prohibited with the exception of the market / liquor store.

19. That the project shall comply with all conditions of approval for Parking Reduction Permit Case No. PPRP1920730.

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 **SEPTEMBER 14, 2023**.

All appeals must be filed using the City's online permit portal: www.glendaleca.gov/Permits. Create an account, click "Apply", click "skip" then type "appeal" in the search bar, and apply for "Appeal of Planning Decision." Any appeal must be filed within fifteen (15) days following the actual date of the decision with the prescribed fee prior to the expiration of the 15-day appeal period, on or before SEPTEMBER 14, 2023. Information regarding appeals and appeals and fees may be obtained by calling the Community Development Department staff at 818-548-2140, or contacting the case planner, Cassandra Pruett, at 818-937-8186.

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 Administrative Use 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 Administrative Use 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

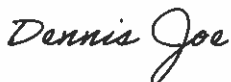
Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over Administrative Use Permits. To consider the revocation, the Director of Community Development shall hold a public hearing after giving notice by the same procedure as for consideration of an 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, Cassandra Pruet at 818-548-8186 or cpruett@glendaleca.gov.

Sincerely,
Bradley Calvert
Director of Community Development



Dennis Joe
Planning Hearing Officer

DJ:CP:sm

1404 WEST KENNETH ROAD
ADMINISTRATIVE USE PERMIT NO. PAUP1920728
("Arts Deli and Meat Market")

CC: City Clerk (K.Cruz); Building and Safety (S.Hairapetian); Neighborhood Services Division (J.Sada); Design Review & Historic (J.Platt/K.Conley); Economic De. (M.Berry); Housing (P.Zovak / M. Fortney); Urban Design and Mobility (F.Zohrevand); Parks, Recreation and Community Services and Park (T. Aleksanian/ A.Limayo); Information Services (G.Arnold); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Engineering Section-(J.Diaz/ D.Stimson); Traffic & Transportation Section (P.Casanova/S.Roudsari); General Manager for Glendale Water and Power (M.Young); Glendale Water & Power--Water Section (S.Boghosian/R.Takidin/F.Garcia); Glendale Water & Power--Electric Section (C.Babakhanlou/ S.Boghosian / F.Garcia/ H.Barkhordian/ D.Scorza); Police Dept. (Lt.S.Riley/Z.Avila); Dir. Of Public Works (Y.Emrani); Engineering and Land Development (A.Avazian/ S.Oganesyan / M.Oillataguerre/ R. Villaluna); Integrated Waste Management Admin. (D. Hardgrove); Maintenance Services/Street and Field / Urban Forester (L.Klick / C.Linares / O. Urquidez); D.Manasserian-rep applicant; J.Baghdanian-rep applicant on traffic; M.Herman; D.Johnson;; and case planner-- Cassandra Pruett.