



CITY OF GLENDALE, CALIFORNIA

Community Development
Planning

633 E. Broadway, Suite 103
Glendale, CA 91206-4311
Tel. (818) 548-2140 Fax (818) 240-0392
glendaleca.gov

January 31, 2024

Arman Abgaryan
A61 Design Studio Inc.
336 N. Central Avenue, #9
Glendale, CA 91203

**RE: 3313 N. Verdugo Road
ADMINISTRATIVE USE PERMIT CASE NO. PAUP-002384-2023
(Hill Restaurant)**

Dear Mr. Abgaryan:

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 the on-site sales, service, and consumption of alcoholic beverages (Type 47) at an existing full-service restaurant (Hill Restaurant) at **3313 N. Verdugo Road**, in the C3 I, Commercial Service Zone, described as Lot 1-9. Blk 41, Sparr Heights Tract, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

- (1) The sale of alcoholic beverages requires an Administrative Use Permit in the C3 I Zone (Section 30.12.020, Table 30.12-A)

APPLICANT'S PROPOSAL

- (1) To allow the on-site sales, service, and consumption of alcoholic beverages for on-site consumption at an existing full-service restaurant.

ENVIRONMENTAL DETERMINATION

The project is exempt from CEQA review as a Class 1 "Existing Facilities" exemption pursuant to Section 15301 (e) of the State CEQA Guidelines, 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 considering the evidence presented with respect to this application, all of the required three findings can be made in support of the application. The Director of Community Development has **GRANTED WITH CONDITIONS** your application based on the following

findings:

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

The applicant is requesting to serve alcoholic beverages (Type 47) with meals at an existing 2,740 square foot, full-service restaurant (Hill Restaurant). The proposed addition of alcoholic beverage service will be consistent with the elements and objectives of the General Plan. The subject site is located within the "C3 I" Commercial Service Zone, and the General Plan Land Use Element designation is Community Services Commercial.

The subject site is located within a commercial area, surrounded by retail stores, counter and full-service restaurants, and personal services uses. Alcoholic beverages for on-site sales, service and consumption at this location is permitted within the "C3" Commercial Service Zone with the approval of an AUP as such use will provide an option for the community and clients to purchase alcoholic beverages for on-site consumption enhancing the dining experience. The Land Use Element is the most directly related to the approval of this use and the other elements of the General Plan, including Open Space, Recreation, Housing, and Noise, will not be impacted because of the applicant's request. This application does not include any added floor area or modifications to the existing tenant space, therefore, there will be no increase in the required parking for the use.

The Circulation Element identifies Verdugo Road as a Major Arterial. Verdugo Road can adequately handle the existing traffic circulation around the site. The project site is surrounded by commercial and residential uses and the applicant's request to allow the on-site sale, service and consumption of alcoholic beverages is not anticipated to create any negative traffic related impacts on these streets and the 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 sale of alcoholic beverages for on-site sales, service and consumption 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 3006.02 where the suggested limit for on-sale alcohol establishments is three. Currently, there are 35 on-sale establishments located in this tract and this restaurant will bring the total licenses to 36 in this Tract. Based on Part 1 crime statistics for this Census Tract, there were 85 crimes in 2021, 49 percent below the citywide average of 167. Currently, there is no "active" or "pending" liquor license for this location, per the ABC website as noted by the Glendale Police Department. The Glendale Police Department did not cite any concerns with the applicant's request to allow the existing restaurant to offer the on-site sales, service and consumption of alcoholic beverages at

this location and suggested conditions of approval have been included to mitigate any potential negative impacts.

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

It is not anticipated that the applicant's request to provide on-site sales, service and consumption of full alcoholic beverages will be detrimental to the community or adversely conflict with the community's normal development of surrounding properties, as conditioned. The existing restaurant space is surrounded by various commercial uses that features other complementary businesses, including retail and service uses.

Montrose Community Park is located to the east of Verdugo Road (0.4 miles to the east) and is accessed from Clifton Place (3529 Clifton Place). The park is located behind other commercial uses located on Verdugo Road. John C. Fremont Elementary School is located at 3320 Las Palmas Avenue (0.7 miles to the south). While these facilities and uses are within close proximity, given their orientation in relation to the subject property and the nature of consumption of alcoholic beverage with meal service, it is not anticipated that the applicant's request to allow alcoholic beverage sales for on-site sales, service and consumption will impede their existing operations.

The proposed incidental sale of alcoholic beverage is not anticipated to cause any conflicts with surrounding development in the future and will not adversely impact existing facilities, or developments within the surrounding area. There were no concerns or comments submitted by the Police Department or Neighborhood Services Division that would indicate that the approval of a Type 47 Alcoholic Beverage License for the existing full-service restaurant would have a negative impact on the surrounding area, and the proposed conditions of approval will serve to mitigate any potential negative impacts on the surrounding properties.

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 applicant's Administrative Use Permit request for alcoholic sales, service and on-site consumption will not require any new city services, nor will it require any changes to the site including landscaping, parking or traffic circulation. The commercial building was built in 1947 to allow for retail/service establishments. The prior uses and existing uses at the location are served with utilities for water, electricity, sewer, and trash. For the current request, the ability to sell, serve and consume alcoholic beverages at the restaurant will remain a complementary use and is not anticipated to increase the need for public or private facilities. No changes are anticipated for the parking demand, as the request does not propose to add additional floor area to the building. The surrounding neighborhood is also developed with adequate public and private facilities and

infrastructure. The Circulation Element identifies Verdugo Road as a Major Arterial. Glencoe Way and Paloma Avenue are both classified as local streets. These streets are fully developed and can adequately handle the existing traffic circulation around the site.

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, 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 as described in Finding B above.
- 2) That where the existing or proposed use is located in a crime reporting district with a crime rate which is 49 percent below the citywide average of 167 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 because conditions of approval have been included in the approval of this application to ensure that any potential negative impacts will be appropriately mitigated, as described in Finding B above.
- 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), as noted in Finding C above.
- 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 in Finding D above.
- 5) That notwithstanding consideration in subsections 1 through 4 above, the operation of a full-service restaurant with the on-site sales, service and consumption of alcoholic beverages does serve a public convenience for the area because it would provide alcoholic beverages in conjunction with food service at a full-service restaurant 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.

RESPONSES TO COMMUNITY INPUT RECEIVED DURING COMMENT PERION

During the public comment period staff received 19 emails and 7 voice messages expressing concerns about the requested Administrative Use Permit application for on-site sales, service and consumption of alcoholic beverages. The comments expressed general concerns regarding the operation of the restaurant (may be operating as a banquet hall), including loud music, excessive noise and service of alcoholic beverages.

Staff Response:

The Administrative Use Permit application was originally routed to the Police Department and Neighborhood Services Division for review and comments when it was first submitted and prior to the public noticing for public comments. Neither the Police Department nor Neighborhood Service Division cited any concerns with the request to allow the on-site sales, service and consumption of alcoholic beverages at an existing full-service restaurant. During project review, staff verified with the City Attorney's office and was informed that there is no code enforcement case with the City Attorney's office for this address. Prior to preparing this decision, staff contacted Neighborhood Services inspector and was informed that any prior violations related to the tenant space was corrected. Staff also contacted the Police Department to verify on the calls they received in the last calendar year. According to the Police Department, they did not take official police reports when they responded to the 8 calls they received due to no evidence of crime.

After receiving written comments (emails) from 19 individuals and 7 voice messages, staff added one new condition (Condition #19) which reads "that the facility shall not be rented or leased as a banquet hall without first obtaining the approval of a Conditional Use Permit (CUP). A "banquet hall" means any place of business maintained, in whole or in part, for public rental for the purpose of private party events, whether family, group, or corporate in nature, where access by the general public is restricted, and with or without the sale, serving or consumption of alcoholic beverages."

CONDITIONS OF APPROVAL

APPROVAL of this **Administrative Use Permit** shall be subject to the following:

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 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 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. That the service of alcoholic beverages shall be done in conjunction with the dispensing of meals.
11. That the service of alcohol shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control.
12. 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."
13. That no live entertainment is permitted without a "Live Entertainment Permit."
14. That no separate bar shall be installed for the service of alcoholic beverages.

15. That the sale of alcoholic beverages for consumption off the premises is strictly prohibited.
16. That the hours of operation for the restaurant shall be 11:00 a.m. to 11:00 p.m. Monday through Sunday. That the sale, service, and consumption of alcoholic beverages shall be permitted only between the hours of 11:00 a.m. to 10:00 pm.
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 conditional use permit. Taverns include bars, pubs, cocktail lounges and similar establishments.
18. That any establishment serving alcoholic beverages which has a dance floor of greater than 200 square feet is considered a nightclub and will require a conditional use permit.
19. That the facility shall not be rented or leased as a banquet hall without first obtaining the approval of a Conditional Use Permit (CUP). A "banquet hall" means any place of business maintained, in whole or in part, for public rental for the purpose of private party events, whether family, group, or corporate in nature, where access by the general public is restricted, and with or without the sale, serving or consumption of alcoholic beverages.
20. 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.
21. That the business shall adhere to the City's Fresh Air Ordinance, Title 8, Chapter 8.52 of the Glendale Municipal Code.
22. 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.

All appeals must be filed using the City's online permit portal: www.glendale.gov/Permits. Create an account, click "Apply," 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 February 13, 2024. Information regarding appeals and appeals and fees may be obtained by calling the Community Development Department staff at 818.548.2115, or contacting the case planner, Shoghig Yepremian at syepremian@glendaleca.gov or 818.937-8135.

GMC CHAPTER 30.41 PROVIDES FOR

TERMINATION

Every right or privilege authorized by an Administrative Use Permit shall terminate two 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 Exception 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 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 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 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 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

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 a administrative use permits 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 contact 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, Shoghig Yepremian, during normal business hours at her direct line (818) 937-8135 or via email at syepremiani@glendaleca.gov, between 8:00 a.m. to 5:00 p.m. weekdays.

Sincerely,

Bradley Calvert
Director of Community Development



Erik Krause
Planning Hearing Officer

SY

CC: City Clerk (K. Cortes); Police Dept. (A. Krikorian/Z. Avila); City Attorney's Dept. (G. Van Muyden/Y. Neukian); Fire Prevention Engineering Section-(J. Diaz/S. Partamian/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/E. Hakoupiani/ /K. Runzer); Glendale Water & Power--Electric Section (C. Babakhanlou/S. Boghosian/E. Hakoupiani); Parks, Recreation and Community Services Dept. (T. Aleksanian/A. Limayo); Neighborhood Services Division (J. Sada); Integrated Waste Management Admin. (D. Hardgrove); Maintenance Services/Street and Field/Urban Forester (L Klick/, C. Linares/ O. Urquidez); Engineering and Land Development (A. Avazian/S. Oganesyanyan/R. Villaluna); and case planner-Shoghig Yepremian.