



CITY OF GLENDALE, CALIFORNIA

Community Development
Planning

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glendaleca.gov

February 5, 2024

Vrezh Osipyan
318 E. Broadway
Glendale, CA 91205

**RE: ADMINISTRATIVE USE PERMIT CASE NO. PAUP 2101980
318 E. BROADWAY
("Zhengyalov Hatz")**

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 approximately 1,400 square-foot (SF) counter service restaurant ("Zhengyalov Hatz") located at **318 East Broadway**, in the Downtown Specific Plan/East Broadway District (DSP/EB), described as Town of Glendale, West 25 feet of Lot 2 Block 59 in the City of Glendale, County of Los Angeles.

CODE REQUIRES

The sale of alcoholic beverages requires an Administrative Use Permit in the Downtown Specific Plan/East Broadway District (DSP/EB)

APPLICANT'S PROPOSAL

To allow the sale of beer and wine for consumption on or off the premises at a counter service restaurant in the Downtown Specific Plan/East Broadway District (DSP/EB)

ENVIRONMENTAL DETERMINATION

The project is exempt from CEQA review as a Class 1 "Existing Facilities" exemption, pursuant to State CEQA Guidelines Section 15301(e), because the discretionary permit request is to allow for the on-site sales, service and consumption of beer and wine at an existing counter service restaurant 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 proposed use will be consistent with the elements and objectives of the General Plan. The General Plan Land Use Element designation for the subject property is Downtown Specific Plan. The site is located on East Broadway, west of North Kenwood Street, in the Downtown Specific Plan/East Broadway District (DSP/EB). The DSP/EB District combines a number of civic and cultural uses and historic buildings, and builds upon the mixed-use, moderate density of the area with newer mixed-use projects including upper-level housing and retail along Broadway. The project site is surrounded by other complementary businesses, including retail and service type uses. The on-site sales, service and consumption of beer and wine at this location is appropriate in this zone and will provide an option for the dining public to enjoy alcoholic beverages with their meals. Appropriate conditions of approval have been placed on this AUP to ensure the project complies with the City's Fresh Air Ordinance, and that any potential negative impacts will be appropriately mitigated.

Other elements of the General Plan, including Open Space, Recreation, Housing, and Noise, will not be impacted as a result of the applicant's request, as the development is existing, and the recommended conditions of approval on the expanded use (beer and wines sales) will mitigate any impacts. 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.

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 proposed use and its associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment, as conditioned. According to the Glendale Police Department, the subject property is located in Census Tract 3022.01 where the suggested limit for on-sale alcohol establishments is four. There are currently 33 on-sale licenses in this tract. This establishment will bring the total to 34. It is important to note that the Census Tract includes the Art & Entertainment District (running along Brand Boulevard between East Broadway and East Colorado Street), which features many bars/lounges/restaurants with ABC licenses. Further, the ancillary sale of beer and wine for on-site consumption in conjunction with a 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 the Census Tract, in 2021 there were 224 crimes, 34% above the citywide average of 167. Part 1 crimes include violent crimes and property crimes and are not necessarily related to alcohol sales. Within the last calendar year, there were no calls for police service at the project location, or code compliance investigations. Standard conditions of approval for the proposed use have been imposed on the project to ensure the proposed use will not be detrimental to the public health or safety, general welfare, or 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 sales, service and consumption of beer and wine at the existing counter-service restaurant is not anticipated to adversely affect or conflict with adjacent uses or impede the normal development of the surrounding property. The consumption of beer and wine with food at the existing counter-service restaurant will not conflict with the adjacent land uses and will be ancillary to the primary use. Within walking distance to the project (¼ mile), there are three churches (Glendale Presbyterian Church at 125 South Louise Street, First United Methodist Church at 134 North Kenwood Street, and American Baptist Church – Los Angeles at 209 North Louise Street), two parks (Glendale Central Park and Glendale City Hall). There are no schools located within ¼ mile of the subject site. A condition of approval ensures that beer and wine will only be sold with food service and prohibits the sale of beer and wine for off-site consumption. This condition, and other standard conditions of approval included, are anticipated to mitigate any potential impacts related to adjacent uses.

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, which is an existing commercial building.

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 exceeds 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 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 counter-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.

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 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.
3. That all necessary licenses, approvals, and permits as required from Federal, State, Country or City authorities including the City Clerk shall be obtained and kept current at all times.
4. That a current Business Registration Certificate be maintained for the business.
5. That the sale of beer, wine, and/or distilled spirits for consumption off the premises is strictly prohibited.
6. That the sale of beer and wine only be sold in conjunction with food service and that the restaurant shall not feature bar service (alcohol without food service).
7. That sufficient measures shall be enforced to effectively eliminate interior and exterior loitering, parking congestion, distributing noise, distributing light, loud conversation, and criminal activities.

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 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.
10. That at all times when the premises are open for business, the service of beer and wine shall be made only in the areas designated with an ABC license. Consumption of beer and wine shall only be on those same licensed areas.
11. 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 alcoholic beverage was purchased within that same establishment.
12. That there shall be no video machine(s) and/or video game(s) maintained upon the premises.
13. That unless an amplified sound permit is obtained, all 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.
14. That the facilities shall not be rented, leased or otherwise occupied for purposes not specified.
15. That the premises shall remain open to the public during business hours as a counter-service restaurant only as defined in Chapter 30.70 of the Glendale Municipal Code (GMC).
16. 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, female or any individual for entertainment is provided.
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 restaurant shall adhere to the City's Fresh Air Ordinance, Title 8, Chapter 8.52 of the Glendale Municipal Code.

19. That the restaurant shall be operated in full accord with applicable State, County, and local laws.
20. That access to the premises shall be made available to all City of Glendale Planning and Neighborhood Service Divisions, Police Department, and Fire Department staff upon request for the purpose of verifying compliance with 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. Appeals may be filed online at www.glendaleca.gov/permits.

The completed appeal form must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **February 20, 2024**.

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.

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 a variance 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, **Cassandra Pruett**, 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 Pruett, during normal business hours at her direct line (818) 937-8180 or via email at CPruett@glendaleca.gov, between 8:30 a.m. to 5:30 p.m. weekdays.

Sincerely,



Erik Krause
Planning Hearing Officer