



February 5, 2015

Janelle Williams
Williams Land Use Services
2418 Honolulu Avenue, #B
Montrose, CA 91020

**RE: 2138 VERDUGO BOULEVARD
ADMINISTRATIVE USE PERMIT NO. PAUP 1427746
(New Moon Restaurant)**

Dear Ms. Williams:

Pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.49, the Community Development Department processed your application for an administrative use permit to allow the sale, service, and on-site consumption of alcoholic beverages (with limited sale of beer and wine for off-site consumption) at an existing full service restaurant with outdoor dining and an accessory lounge located at **2138 Verdugo Boulevard**, in the "C3" - (Commercial Service) and "IND" - (Industrial) zones, described as Lots 18 and 19, Tract No. 170, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

- 1) On-site sale, service and consumption of alcoholic beverages requires an administrative use permit in the Commercial Service zone.

APPLICANT'S PROPOSAL

- 1) An administrative use permit to allow the continued sale, service, and on-site consumption of alcoholic beverages (with limited sale of beer and wine for off-site consumption)

ENVIRONMENTAL RECOMMENDATION

Categorically Exempt. The project is exempt from CEQA review as Class 1 "Existing Facilities" exemption pursuant to State CEQA Guidelines Section 15301.

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

REQUIRED 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 various elements and objectives of the general plan and North Glendale Community Plan. General Plan elements provide citywide policy

direction, with the local Community Plans providing specific neighborhood description and design guidelines. The service of alcoholic beverages at this full service restaurant with an accessory bar is consistent with the General Plan/North Glendale Community Plan. The New Moon is located in the Commercial Service (C3) and Industrial (IND) Zone. The C3 Zone is intended as a zone to offer a full range of goods and services to the community located along commercial thoroughfares within the City in conformance with the comprehensive general plan. These zones allow for full service restaurants and alcoholic beverage sales are allowed with approval of an administrative use permit. The sale of alcoholic beverages is a recognized service associated with restaurant uses. Continuation of this service would be in keeping with the goal of the North Glendale Community Plan to preserve the existing independent, small businesses. This restaurant has served the local client base for over 10 years, operating legally and without incident since 2004.

The Circulation Element identifies Verdugo Boulevard (between Verdugo Road and Easterly city boundary) as a Community Collector. The predominant land use character of the frontage property on a Community Collector is medium density residential, community commercial center, hospital and freeway. In addition, this section of Verdugo Boulevard is identified in the North Glendale Community Plan as a Primary Auto Street; capable of accommodating all modes of travel.

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 restaurant has sold alcoholic beverages at this location for over 10 years (and added the accessory lounge over 5 years ago) without adversely affecting or conflicting with adjacent uses. The consumption of alcoholic beverages with meals is incidental to the restaurant operation. No private or public improvements are required. The full service restaurant is surrounded by other complementary businesses, including retail, service, hospital and industrial type uses. Residential neighborhoods are located nearby, but do not adjoin the project site. Adequate public and private facilities such as utilities, parking and some landscaping exist. The request to continue the sales and service of alcoholic beverages is not anticipated to create any traffic-related negative impacts on these streets and other businesses over and above the existing condition. The Police Department has reviewed the request to serve alcoholic beverages and has recommended appropriate conditions to further safeguard the health, safety, and general welfare of the public. Within the last calendar year, there were no calls for service to this location. Similarly, no complaints have been filed by the public concerning this operation.

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 continued sale, service and consumption of alcoholic beverages at New Moon will conflict with adjacent uses or impede with the development of surrounding property. The subject full service restaurant has been in operation with a valid zoning use certificate since September 9, 2004. Alcoholic beverage sales were previously approved by Conditional Use Permit No. 10631-CU and PCUP 2009-015 (expired November 30, 2014). The operation of the full service restaurant and accessory bar with alcoholic beverage service will remain the same, and will continue to be accessory to the primary restaurant

use. The bar expansion into the adjacent unit, including extended hours was granted with PCUP 2009-015. Business hours were approved to be 11:00 a.m. to 2:00 a.m., Monday through Sunday. New Moon is located within a commercial district and surrounded by complementary uses. The New Moon provides a service to residents and employees of local businesses, including the USC Verdugo Hills Hospital and adjacent medical buildings.

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 subject site is a corner lot of approximately 26,125 square feet. The project site is developed with an approximately 7,067 square foot, one-story, two-unit commercial building. The building was renovated into three lease spaces in 2004 and the existing restaurant expanded into one of the adjacent units with an accessory bar in 2009. The building is currently occupied by a full service restaurant and accessory bar (approximately 5,200 square feet) at 2138 Verdugo Boulevard and a gym/health club (approximately 1,800 square feet) at 2140 Verdugo Boulevard. The property is fully improved with all necessary utilities, landscaping, and parking spaces. However, some ground cover in the parking lot landscaping areas has disappeared. A condition of approval is that this landscaping be replenished per the submitted plans. A total of 46 vehicle parking spaces were approved with the 2004 renovation and currently exist. The originally approved loading area (not required) has been converted to three non-conforming parking spaces.

The Circulation Element identifies Verdugo Boulevard (between Verdugo Road and Easterly city boundary) as a Community Collector. It is fully improved and adequately services the subject site and surrounding commercial developments. The continued service of alcoholic beverages at this existing restaurant is not anticipated to generate additional traffic over the existing condition since this is not a change in land use.

REQUIRED ADDITIONAL FINDINGS OF FACT FOR AN AUP FOR ALCOHOL SALES, SERVICE AND CONSUMPTION:

That all the following criteria (set forth in Section 30.49.030) have been met and thoroughly considered in making the findings in subsection a. through d. above:

- 1) That such use will not tend to intensify or otherwise contribute to the adverse impacts on the surrounding area caused by over concentration. The Glendale Police Department noted no concerns with this proposal.
- 2) That such use will not tend to encourage or intensify crime within the district. No evidence has been presented which would indicate that a full service restaurant with sales, service, and consumption of alcoholic beverages in this location has or would encourage or intensify crime within the district.

- 3) That such use 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 residential uses and a public park are located nearby, the existing full service restaurant has not proven to impact those uses, and the sale of alcoholic beverages is complementary to the food service. Additionally, the project is conditioned to ensure the function of this restaurant and sale of alcoholic beverages in compliance with all municipal codes and state law. The proposed continued on-site and limited off-site sales, service and consumption of alcoholic beverages at the existing full service restaurant is not anticipated to adversely impact other neighboring uses in this area.
- 4) That the proposed use satisfies its transportation or parking needs as described above because adequate access, parking and delivery spaces are available to serve this use.
- 5) That the proposed use will serve a public necessity or public convenience purpose for the area as evidenced by the demand for restaurants with alcoholic beverages in the northern Glendale area.

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 as required from Federal, State, County or City authorities including the City Clerk shall be obtained and kept current at all times.
3. That all the premises shall be maintained in a clean and orderly condition, free of weeds, trash and graffiti.
4. That the facilities shall not be rented, leased or otherwise occupied for purposes not specified in this application.
5. That any expansion or modification of the facility or use which intensifies this administrative use permit shall require a new administrative use permit. Expansion shall constitute adding floor area, changes to the use or operation, or any physical changes as determined by the Director of Community Development.
6. That all music, lighting, and noise shall be contained to the occupancy so as not to disturb occupants of other businesses or properties and patrons on the public right-of-way, such that persons of normal sensitivity are not disturbed. The business shall comply with all state and local laws and ordinances concerning excessive noise and disturbing the peace.

7. That no speaker systems shall be installed in the parking area.
8. That the parking area shall be kept adequately illuminated for security purposes during all hours of darkness. Lighting fixtures shall be installed and maintained in the parking lot in those areas where street lights do not effectively illuminate the premises. No lighting shall be installed or maintained that shines or reflects onto adjacent properties.
9. That adequate means shall be provided for the collection of solid waste generated at the site and that all recyclable items shall be collected and properly disposed of to the satisfaction of the Integrated Waste Management Administrator of the City of Glendale. No trash containers shall be stored in any parking, driveway, or landscaping area; other than what was previously approved.
10. That patrons shall not be permitted to remain in the parking area after closure or to loiter in the parking area while the business is open.
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 all signs displayed shall conform to the requirements of the Glendale Municipal Code.
13. That no exterior signs advertising the sales/service of alcoholic beverages be permitted.
14. That the sale, service and consumption of alcoholic beverages at the restaurant shall be incidental to the selling of food. 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.
15. That the service of alcoholic beverages shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control.
16. That sufficient measures shall be enforced to effectively eliminate interior and exterior loitering, parking congestion, disturbing noise, disturbing light, loud conversation, and criminal activities.
17. 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.
18. That a Business Registration Certificate shall be applied for and issued for the restaurant and accessory bar with sales, service, and consumption of alcoholic beverages, subject to the findings and conditions outlined in this decision letter.

19. That no live entertainment is permitted without a "Live Entertainment" license and that the entertainment shall be limited to live (up to a three-piece band) or recorded incidental musical performances with no specific shows or exhibitions, which could attract crowds. Music shall be of a volume not to be audible from nearby commercial properties.
20. That no patrons of the restaurant shall be allowed to bring into the establishment any alcoholic beverage that was purchased from outside of the establishment, unless the facility has an established corkage policy allowing and regulating such.
21. That the restaurant shall remain open to the public during business hours.
22. That the front and back doors to the restaurant shall be kept closed at all times while the location is open for business, except in case of emergency.
23. That the sales, service, or consumption of alcoholic beverages shall be permitted only between the hours of 11:00 a.m. to 2:00 a.m. Monday through Sunday.
24. That the dirt in the parking lot landscaping areas shall be planted to reflect the plans submitted to the satisfaction of the Director of Community Development, and within three months of this approval.
25. That authorization granted herein shall be valid for a period of **10 YEARS UNTIL FEBRUARY 5, 2025.**

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 **FEBRUARY 20, 2015** at the Permit Services Center (PSC), 633 East Broadway, Room 101, Monday thru Friday 7:00 am to 12:00 pm, or at the Community Development Department (CDD), 633 East Broadway, Room 103, Monday thru Friday 12:00 pm to 5 pm.

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 30.16.610 of the Glendale Municipal Code, 1995, provides for the Director of Community Development to have continuing jurisdiction over any Administrative Use Permit which is or has been granted and may revoke any Administrative Use Permit in whole or in part at any time for failure to comply with any condition or requirement imposed at the time of approval.

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.

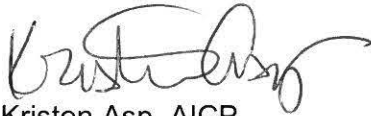
NOTICE – subsequent contacts with this office

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the case planner, **Kathy Duarte**, who can be reached direction at (818-937-8163) or via email (kduarte@glendaleca.gov). This would include clarification and

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.

Sincerely,

HASSAN HAGHANI
Director of Community Development



Kristen Asp, AICP
Senior Planner

CC: City Clerk (K.Cruz); Police Dept. (S.Bickle/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(D.Nickles); Dir. of Public Works (R.Golanian); Traffic & Transportation Section /G.Tom); General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (R.Takidin/G.Tom/S.Boghosian); Glendale Water & Power--Electric Section (V.Avedian/B.Ortiz); Parks, Recreation and Community Services Dept. (J.Duran/A.Teresanian); Neighborhood Services Division (A.Jimenez); Integrated Waste Management Admin. (D.Hartwell); Maintenance Services Section Admin. (D.Hardgrove); Street and Field Services Admin.; Environmental Management (M.Oillataguerra); and case planner Kathy Duarte.