



CITY OF GLENDALE, CALIFORNIA
COMMUNITY DEVELOPMENT DEPARTMENT
Director of Community Development

633 East Broadway, Room 103
Glendale, California 91206-4386
(818) 548-2144 Fax (818) 240-0392
www.ci.glendale.ca.us

November 16, 2012

Nadav Bashan
3937 Paige Street
Los Angeles, CA 90031

RE: 3459 NORTH VERDUGO ROAD
CASE NO. PCUP 1230165

Dear Mr. Bashan:

On November 14, 2012, the Planning Hearing Officer conducted and closed a public hearing, pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.42.030, on your application for a conditional use permit to renew a conditional use permit for an existing restaurant (Bashan Restaurant), within the "C3 I-Commercial Services Zone, Height District I, located at **3459 North Verdugo Road**, described as Lots 8 and 9, Blk 28, Sparr Heights Tract, in the City of Glendale, County of Los Angeles.

APPLICANT'S PROPOSAL

Conditional Use Permit

- 1) A conditional use permit (renewal) to allow on-site beer and wine sales, service and consumption at an existing fast food restaurant, located in the C3-I Community Services Zone, Height District I.

CODE REQUIRES

Conditional Use Permit

- (1) A conditional use permit shall be granted only if the review authority first finds that each of the findings in Section 30.42.030 A-D are substantiated, with consideration of criteria in G.M.C. Section 30.42.030 (F).

ENVIRONMENTAL RECOMMENDATION: Exempt.

CEQA STATUS: Exempt

REQUIRED/MANDATED FINDINGS

After thorough consideration of the statements contained in the application, the plans submitted, the report by the Planning Division staff, and the statements made at the public hearing with respect to this application, the Planning Hearing Officer has **GRANTED WITH CONDITIONS**, your application based on the following:

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

The Land Use Element of the General Plan designates the project site as Community Services and the site is located within the North Glendale Community Plan, Sparr Heights Business District (Chapter 4.5a). One of the purposes of this designation is to provide flexibility in the range and type of services and commercial uses serving the local community, including restaurant uses, as expressed in the use charts and standards identified in the Community Services (C3) zone. The serving of beer and wine ancillary to food service is a typical use conditionally permitted in the C3 zone and Bashan Restaurant has been a successful full service restaurant with beer and wine serving nearby residents since 2007. It is a typical example of a food service establishment with ancillary service of beer and wine that the Land Use Element and North Glendale Community Plan supports and encourages for this area.

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 existing restaurant with an active Type 41 ABC license (On-Sale Beer and Wine-Eating Place) has proven to be compatible with the surrounding homes and businesses. While Bashan Restaurant is located in Census Tract 3006 which exceeds the average Part 1 crimes for the City (130 crimes – 106% above the citywide average of 63), the Police Department has stated that no crimes are associated with Bashan Restaurant and that they have no concerns with the operation of this business. Conditional Use Permit No. PCUP 2007-028 was granted in September 2007 for five years and this request is a request to renew, not expand.

The existing use does not and will not adversely impact any church, public or private school or college, day care facility, public park, library, hospital or residential use within the surrounding area. As a full service restaurant on a commercial street, it is similar to other commercial establishments in North Glendale. The business is one of 32 on-sale establishments in Census Tract No. 3006 where seven on-sale licenses are allowed so the area does have an over concentration of licenses. It is recognized in the North Glendale Community Plan that the Montrose Shopping Park and Sparr Heights Business District are appropriate locations for neighborhood serving commercial activities. As such, the concentration of alcohol licenses is appropriate and beneficial, rather than detrimental to commercial interests in North Glendale. Continuation of the sales, service and consumption of beer and wine with meals at Bashan Restaurant will not adversely impact sensitive land uses in the Sparr Heights neighborhood. Bashan Restaurant serves a public convenience purpose for the neighborhood. The use of the building, parking and customer service hours will continue in the same manner as present and are not detrimental to the public health or safety, the general welfare, or the 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 continued sales of alcoholic beverages for on-site consumption will not adversely affect or conflict with adjacent uses in the North Glendale area, nor impede the normal

development of surrounding property. North Verdugo Road is an area developed with small-scale, locally serving commercial uses, such as restaurants, retail/service and office establishments. Bashan Restaurant has operated in the same location since 2007 and the applicant is not proposing changes to the existing floor plan or restaurant operation. In addition, no complaints have been received from nearby commercial or residential properties following the public notice. The on-site parking provided, together with the conditions of approval, are sufficient to assure that the facility will continue to have a beneficial, not negative, impact upon the area.

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 renewal of the Conditional Use Permit is not anticipated to intensify the parking demand since no change is proposed to the existing use. Furthermore, the site is fully developed with all required utilities such as gas, electricity, water, sewers, and landscaping already in place. Therefore, adequate parking and loading facilities are and will be provided for the existing use and satisfy the transportation and parking needs of the existing use.

E. 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) That 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) That such use does not or will not tend to encourage or intensify crime within the district as described above in finding B.
- 3) That 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 B.
- 4) That the proposed use satisfies its transportation or parking needs as described above in findings A and D.
- 5) That the proposed use does or will serve a public necessity or public convenience purpose for the area as evidenced by the continued operation of this restaurant with alcoholic beverage on sale, consumption and service and as described above in finding B.

SUMMARY OF PLANNING HEARING OFFICER'S DECISION

The applicant substantiated the findings for a renewal of a conditional use permit to continue the on-site consumption of beer and wine at a full service restaurant (Bashan Restaurant).

- 13) That the facilities shall not be rented, leased or otherwise occupied for purposes not specified.
- 14) That the facility remain a bona fide restaurant and shall provide a menu containing an assortment of foods normally offered in such restaurant. Food service shall be available to the public at all times in all areas of the premises during normal operating hours.
- 15) That live entertainment shall be prohibited.
- 16) That any expansion or modification of the facility or use which intensifies the existing Conditional Use Permit shall require a new Conditional 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.
- 17) That the service of beer and wine shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control.
- 18) That the authorization granted herein for PCUP 1230165 shall be valid for a period of ten years, until **December 4, 2022**, at which time a reapplication must be made.

APPEAL PERIOD (effective date), TIME LIMIT, LAPSE OF PRIVILEGES, TIME EXTENSION

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 Building and Safety Division upon request and must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **DECEMBER 3, 2012** in the Building and Safety Division, 633 E. Broadway, Room 101.

APPEAL FORMS available on-line:
<http://www.ci.glendale.ca.us/planning/SubmittingAProject.asp>

To save you time and a trip - please note that some of our FORMS are available on line and may be downloaded. AGENDAS and other NOTICES are also posted on our website.

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.

GMC CHAPTER 30.41 PROVIDES FOR

TERMINATION

Every right or privilege authorized by a conditional 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 conditional 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 conditional use permit.

CESSATION: A Conditional Use Permit may be terminated by the review authority upon any interruption or cessation of the use permitted by the Conditional Use Permit for one year or more in the continuous exercise in good faith of such right and privilege.

REVOCATION, CONTINUING JURISDICTION

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over variances and conditional use permits (individual cases heard and decided upon by the Planning Hearing Officer).

CONDITIONS OF APPROVAL

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

- 1) That the development shall be in substantial accord with the plans submitted with the application and presented at the hearing 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 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 no separate bar shall be installed on the premises.
- 4) That the hours of operation shall be limited to **9:00 a.m. to 10:00 p.m.**
- 5) That only beer and wine shall be served and only in conjunction with the consumption of food.
- 6) That the sales and serving of beer and wine shall be for consumption on the premises only.
- 7) That no patrons of the restaurant shall be allowed to bring into or maintain in the establishment any alcoholic beverages that have been purchased from outside of the establishment unless the facility has an established corkage policy allowing and regulating such use.
- 8) That access to the premises shall be made available upon request to all City of Glendale authorized City personnel (Fire, Police, Neighborhood Services, Planning, Building and Safety, etc...) for the purpose of verifying compliance with all laws and the conditions of this approval.
- 9) That full service restaurant shall comply with the Fresh Air Ordinance and smoking shall be permitted only in areas which comply with Chapter 8.52 of the Glendale Municipal Code.
- 10) That the premises shall be maintained in a clean and orderly condition, free of weeds, trash and graffiti.
- 11) That no exterior signs advertising the sales/service of alcoholic beverages are permitted and banners shall be prohibited. All signs shall comply with the Glendale Municipal Code.
- 12) That all music, lighting, noise and odors shall be confined to the occupancy so as not to disturb occupants of other adjacent businesses or properties and patrons on the public right-of way. The Planning Hearing Officer's opinion shall prevail to arbitrate any conflicts.

To consider the revocation, the Planning Hearing Officer shall hold a public hearing after giving notice by the same procedure as for consideration of a Conditional Use Permit at least ten (10) days notice by mail to the applicant or permittee. Continuing jurisdiction over any case is the purview of the Planning Hearing Officer, with concurrence by the Director of Community Development.

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 (Rathar Duong @ 818.937.8185) 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 undersigned.

Sincerely,



Laura Stotler
Planning Hearing Officer

LS:sm

CC: City Clerk (K.Cortes); Police Dept. (Tim Feeley/Z.Avila); City Attorney's Dept. (G. van Muyden/M.Yun); Fire Prevention Engineering Section-(D.Nickles); City Engineer and Traffic & Transportation Section (Roubik Golanian); Director of Public Works and General Manager for Glendale Water and Power (Stephen Zurn); Glendale Water & Power--Water Section (R.Takidin); Glendale Water & Power--Electric Section (M.Kelley/M.Jackson); Parks, Recreation and Community Services Dept. (Emil Tatevosian); Neighborhood Services (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 – Rathar Duong.