



CITY OF GLENDALE, CALIFORNIA

Community Development
Planning

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July 23, 2024

Applicant:

Shamshiri Restaurant
Attn: Arman Nourani
122 W Stocker
Glendale, CA 91202

**RE: ADMINISTRATIVE USE PERMIT CASE NO. PAUP-003398-2024
122 W Stocker Street, Glendale, CA 91202
(Shamshiri Restaurant)**

The Director of Community Development will render a final decision on or after August 14, 2024 for the following project:

Project proposal: Application for an Administrative Use Permit (AUP) renewal to continue the allowance of on-site sales, service, and consumption of beer, wine, and distilled spirits (ABC License Type 41) at an existing full-service restaurant (Shamshiri Restaurant) located in the C1 (Community Commercial) Zone.

STAFF RECOMMENDATION: APPROVE WITH CONDITIONS

DRAFT CONDITIONS OF APPROVAL

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, approvals, and permits as required from Federal, State, County or City authorities including the City Clerk shall be obtained and kept current at all times.
3. That the restaurant shall be operated in full accord with applicable State, County, and local laws.
4. That no separate bar for the sales, service and consumption of beer and wine shall be permitted.

5. That no exterior signs advertising the sales and service of beer and wine shall be permitted.
6. That access to the premises shall be made available to all City of Glendale Planning, Neighborhood Service Divisions, Police Department, and Fire Department staff upon request for the purpose of verifying compliance with laws and conditions of this approval.
7. That a current Business Registration Certificate shall be maintained for the business.
8. That at all times when the premises are open for business, the service of any beer and wine shall be made only in the areas designated with an ABC license. Consumption of beer and wine will only be on those same licensed areas.
9. That no patron to any of the business establishments shall be allowed to bring into any establishment or maintain in the establishments, any beer and wine unless that beer and wine was purchased within that same establishment unless the facility has an established corkage policy allowing and regulating such.
10. 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.
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. There shall be no video machine maintained upon the premises.
13. 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. 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.
15. The sale of beer, wine, and/or distilled spirits for consumption off the premises is strictly prohibited.
16. That the restaurant shall adhere to the City's Fresh Air Ordinance, Title 8, Chapter 8.52 of the Glendale Municipal Code.
17. That the sales, service or consumption of beer and wine with meals shall be permitted only between the hours of 11:00 a.m. to 8:00 p.m. each day of the week.

18. 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.
19. The authorization granted herein shall be valid for a period of 10 years until July 23, 2034.

PROJECT BACKGROUND

Previous Permits for the Site:

Previous conditional use permits to serve alcoholic beverages at a full-service restaurant were granted on December 28, 1988 (Case No. 8388-CU) and September 27, 1991 (Case No. 8856-CU). The most recent Conditional Use Permit (CUP) expired on September 30, 1996. The previous Administrative Use Permit (AUP) was submitted after the expiration of the existing CUP and now the applicant is renewing their previous AUP.

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 full-service restaurant within an existing commercial space and there is no added floor area proposed.

General Plan:

Commercial – Neighborhood Commercial

Zone:

C1 – Neighborhood Commercial Zone

Description of Existing Property and Uses:

The subject tenant is located in a one-story building at the rear (away from the street) of an existing two-story commercial center. The center contains retail, service, dental offices, general offices and restaurant. The subject restaurant is approximately 1,432 square feet and located adjacent to the parking lot on the south side of the property. There are 88 standard on-site parking spaces located in parking areas on the east and south of the building. Vehicular access to the site is taken from existing driveway aprons along North Central Avenue and West Stocker Street. The subject site is a flat, square corner lot situated in the middle rear entrance of the plaza. The hours of operation of the existing restaurant are 11:00 a.m. to 9:00 p.m. Sunday through Thursday, and 11:00 a.m. to 10:00 p.m. on Friday and Saturday. The site is surrounded by commercial uses to the north, east and west. The property to the south, adjacent to the site's parking lot,

is a three-story multi-family residential building.

Neighboring Zones and uses

Direction	Zone	Existing Land Use
North	C1	Ralphs and Citibank (commercial businesses)
South	R-1250	Three-story residential building
East	C3-III	Parking lot associated with adjacent public library and fire station 26 and a nine-story residential building
West	C1 and R-1250	Offices/retail commercial businesses and multi-family residential buildings
Project Site	C1	One-story multi-tenant commercial building

COMMENTS FROM OTHER CITY DEPARTMENTS:

No major concerns were received from the various city divisions/departments. Standard conditions have been received from the Police Department and Neighborhood Services Division to ensure that any potential negative impact will be appropriately mitigated. These conditions will be made part of the application if the AUP is approved.

PROJECT ANALYSIS

The subject site is located within the C1 (Neighborhood Commercial) Zone and the General Plan - Land Use Element designation of "Neighborhood Commercial". In comparison to other commercial zones in the city, the C1 zone is intended to provide uses and services that are both beneficial and compatible with the surrounding residential properties. This zone has a limited list of land uses, which are more restrictive than the C2 and C3 zones. A full-service restaurant is a permitted use in this zone.

Shamshiri Restaurant is located in a one-story building constructed in 1988 and has been operating since January 2014 under the current owner. The restaurant use has been in operation at this location for over 20 years without incident. The subject tenant is adjacent to other complementary businesses, including retail and service type uses. A three-story multi-family residential building is located south of the subject property, adjacent to the subject property's surface parking lot.

The subject site fronts two streets: North Central Avenue along the west side and West Stocker Street to the north. These streets are considered a Minor Arterial thoroughfare

and Community Collector street respectively. The site is surrounded by C1, C3, and R-1250-zoned properties and located within the San Rafael neighborhood. The request to continue serving alcoholic beverages in conjunction with an existing restaurant will not create any traffic-related impacts on area streets over and above existing conditions.

The request to continue the on-site sales, service, and on-site consumption of beer and wine with meals is an enhancement to the dining experience. The restaurant does not conduct happy hour for its customers. The experience one gets from consuming a beer or glass of wine with a meal at a full-service restaurant is different from an experience gained from consuming alcoholic beverages at a bar, tavern, or night club. The beverage is complimentary to the meal. The restaurant currently holds a Type 41 from ABC, which permits on-site consumption at a bona fide eating establishment and seeks to maintain the same license.

Shamshiri Restaurant is surrounded by other commercial developments on the east, west, and north. The property's parking lot is located to the east and to the south of the subject restaurant which helps create a buffer between Shamshiri Restaurant and the neighboring uses as well as the residential building to the south, approximately 100 feet away. As such, negative impacts to the residents are also not anticipated with the continued service and consumption of alcoholic beverages. Through the years Shamshiri Restaurant has been in operation, the restaurant has been a responsible operator as no reported conflict or adverse effects on adjoining businesses and residential neighbors have been reported.

The site was constructed with the commercial building located on the north-west corner of the property adjacent to the streets and away from the residential property to the south. This is common for many older buildings throughout the city, including commercial buildings surrounding the subject site. The property is accessed from both Central Avenue and Stocker Street. The site is legal non-conforming for the number of on-site parking spaces; however, the 88 parking spaces have proven to be adequate for the existing restaurant and other commercial businesses in the commercial center.

Shamshiri Restaurant is located in census tract 3012.04 which allows for 5 On-Sale establishments. There are currently 12 On-Sale licenses in this tract. Shamshiri Restaurant is one of the existing 12. Based on arrests and Part 1 crime statistics for census tract 3012.04 in 2023 there were 119 crimes, 62% below the city-wide average of 317. According to GPD, within the last calendar year, there were no calls for police service at the location. The request to continue serving alcoholic beverages at this location would not increase the number of licenses for on-site consumption to a higher level. Census Tract 3012.04 covers a large commercial area, where there are many dining establishments, and it is common for each business to have an on-site ABC license for alcoholic beverages. Many of these businesses have been in operation for many years. Shamshiri Restaurant has proven to be a responsible operator.

The approval of the AUP to continue the on-site consumption of alcoholic beverages at this location does not appear to be a detriment to the safety and public welfare of the

neighborhood in general. While there are residential developments in the area, there are public facilities located within the immediate area. There is a public library (Casa Verdugo Library) and Fire Station 26 located on the adjacent parcels to the east, a private school (Incarnation Parish School) located approximately 0.2 miles away along North Central Avenue and West Dryden Street, and the nearest churches are located across the street northeast of the site and approximately 0.2 miles south and southwest of the subject site. There are no other public facilities within the vicinity. While these public institutions are located nearby, the consumption of beer and wine at a restaurant is considered low-intensity and would not negatively impact these facilities.

Overall, the applicant's desire to continue to serve beer and wine at Shamshiri Restaurant is supportable based on the facts surrounding this application and the findings.

DRAFT FINDINGS

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

The subject site is zoned C1 (Neighborhood Service) and within the Neighborhood Commercial designation of the Land Use Element of the General Plan. The Circulation Element designates North Central as a Minor Arterial thoroughfare and West Stocker as a Community Collector street. These streets are fully improved thoroughfares serving a multitude of businesses and residential developments. Shamshiri Restaurant is located within a multi-tenant commercial center alongside other commercial/service type businesses. A full-service restaurant is a permitted use in this zone; however, on-site consumption of alcoholic beverages requires an approved administrative use permit. The consumption of alcoholic beverages with meals is incidental to the restaurant operation. No private or public improvements are required.

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.

Shamshiri Restaurant has been in operation at 122 West Stocker Street since 1994, with the current owner since January 2014. The restaurant was permitted to serve beer and wine in the past with approved Conditional Use Permits (CUP) without any detrimental impacts to the public health, safety, or the environment. Their most recent CUP expired on September 30, 1996. Glendale 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.

Shamshiri Restaurant is located within a commercial district and surrounded by complementary uses. The restaurant's request to serve alcoholic beverages will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property, since it would not change the land use designation of the existing establishment. The focus of the operation continues to be food. In this regard, the service of alcoholic beverages is an enhancement to the dining experience. The consumption of alcoholic beverages at the existing restaurant has not proven to be problematic.

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.

Shamshiri Restaurant is located within a one-story building within a larger commercial center. The building was completed in 1988 and which met code that was in place during that time. The restaurant has been in operation at this location since 1994. The property is fully improved with all necessary utilities. North Central is considered a Minor Arterial thoroughfare and West Stocker as a Community Collector street both are fully improved thoroughfares serving a multitude of businesses and residential developments. The service of alcoholic beverages at an existing restaurant is not anticipated to generate additional traffic over the existing condition since this is not a change in land use.

The property is legal nonconforming in terms of parking and landscaping. The lack of sufficient on-site parking has not been problematic for the restaurant or conflicted with nearby businesses and residential development. There is no record of complaints from the general public and no concern has been expressed by the Traffic and Transportation Section and Neighborhood Services Division.

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 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 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 (ABC), 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.

- 3) 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.
- 4) 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). There is a public library (Casa Verdugo Library) and Fire Station 26 located on the adjacent parcels to the east, a private school (Incarnation Parish School), is located approximately 0.2 miles south of the subject site along North Central Avenue and West Dryden Street, and the nearest churches are located across the street northeast of the site and approximately 0.2 miles south and southwest of the subject site. 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 on-site sales, service and consumption of alcoholic beverages with meals at the existing full-service restaurant is not anticipated to adversely impact other neighboring uses in this area.
- 5) 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.
- 6) That the proposed use will serve a public necessity or public convenience purpose for the area as evidenced by the demand for full-service restaurants with alcoholic beverages in the northern Glendale area.

For more information or to submit comments, please contact the case planner, Paulina Safarian, at 818-937-8301 or PSafarian@glendaleca.gov

ATTACHMENT:

1. Location Map
2. Reduced Plans
3. Departmental Comments