

July 10, 2013

Paul Shin  
327 N. Verdugo Rd.  
Glendale, CA 91206

**RE: CONDITIONAL USE PERMIT PCUP 1307305  
Buko Restaurant—327 N. Verdugo Road**

On July 10, 2013, the Planning Hearing Officer conducted and closed a public hearing, pursuant to the provisions of the Glendale Municipal Code, Chapter 30.42, regarding your application for a Conditional Use Permit to allow the on-site sales, service and consumption of beer and wine with meals at a full-service restaurant at the Buko Restaurant located at 327 N. Verdugo Road, described as a Portion of Lot 83, in the C1 (Neighborhood Commercial) Zone.

**Applicant's Proposal:** A conditional use permit application to allow on-site sales, service and consumption of beer and wine with meals at a full-service restaurant.

**Code Requires:** Approval of a conditional use permit is required for the on-site sales, service and consumption of beer and wine at a restaurant in the C1 Zone (GMC Sec 30.12.020, Table 30.12-A).

**CEQA Status:** Exempt as a Class 1 "Existing Facilities" exemption pursuant to State CEQA Guidelines Section 15301.

**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. The proposed use will be consistent with the various elements and objectives of the General Plan.**

One of the purposes of the Neighborhood Commercial (C1) zone is to offer a full range of goods and services to the neighborhood, such as a full-service restaurant, in conformance with the City's General Plan. The Land Use Element encourages flexibility in the range and type of services in the C1 Zone, including alcohol sales with food subject to a conditional use permit approval. Buko Restaurant has been selling beer and wine as an ancillary service to meals since 1987. No new floor area is proposed nor are changes proposed to the number of parking spaces or parking lot design. Sufficient access from the restaurant parking lot is provided to Verdugo Road and Chevy Chase through three driveways. As shown in the Circulation Element, Verdugo Road is a major

arterial and Chevy Chase Drive is a minor arterial. Both roads are capable of continuing to manage the existing shopping center's traffic circulation. It is not anticipated that continuing beer and wine sales will increase parking and traffic circulation impacts since this use will remain an ancillary service to the existing restaurant's food service. Potential noise that may be generated by the restaurant would be regulated by the City Noise Ordinance, which implements the goals of the Noise Element.

**B. 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 associated structures and facilities will not be detrimental to the neighborhood and community because Buko Restaurant has been operating without incident since 1981 and selling beer and wine with food since 1987. The on-site sales, service and consumption of beer and wine will remain ancillary to the restaurant's primary food service. There are only two on-sale establishments in the subject census tract where three are recommended. The Police Department noted that the number of crimes in the area is 38 percent below the City-wide average of 60, and no police service calls were reported at Buko Restaurant.

**C. The use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property provided that the conditions of approval are followed.**

Buko Restaurant has been operating as a full-service restaurant since 1981 and with beer and wine sales with food service since 1987, and it proposes to continue the same operation with only a change in restaurant ownership. It is located in a fully developed commercial shopping center where a restaurant use with the sale and service of alcohol is a suitable business consistent with the General Plan.

The hours of operation are consistent with a typical family restaurant use and will be compatible with hours of operation of the adjacent tenants and the neighboring commercial and residential properties. The applicant's request to obtain a conditional use permit for the sale and service of beer and wine with meals will not require an increase in new City services or conflict with existing or anticipated surrounding land uses. No new floor area will be added to the existing restaurant and the ancillary service of beer and wine is not anticipated to intensify the parking and traffic circulation demand. It is not anticipated to impede the normal development or redevelopment along this street since it is already fully developed.

No evidence has been presented which would indicate that the proposed use will adversely impact any church, public or private school or college, day care facility, public park, library, hospital, or residential use within the surrounding area.

**D. Adequate public and private facilities such as utilities, landscaping, parking spaces and traffic circulation measures are provided for the use.**

Adequate public and private facilities such as parking, utilities, and landscaping are provided for the existing tenant space and shopping center. The Conditional Use Permit for the sale, service and on-site consumption of beer and wine with meals is not anticipated to intensify the parking or traffic circulation demand since the total square footage for the subject tenant space is 1,500 square feet and no additional floor area is being proposed.

**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 C.
- 4) That the proposed use satisfies its transportation or parking needs as described above in finding 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-site sales, service and consumption as described above in finding A.

**SUMMARY OF PLANNING HEARING OFFICER'S DECISION**

The Planning Hearing officer was able to make all four required findings in favor of the application and was able to justify approval of the case based on the five criteria required for alcohol-related cases in Sub-Section 30.42.030(F), Glendale Municipal Code. The conditions attached to the approval will control the use in a manner necessary to allow the use to properly fit into the specific location.

**CONDITIONS of Approval**

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

1. The project 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 Hearing Officer.
2. 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 Hearing Officer.
3. All licenses and permits as required or approvals from Federal, State, County or City authorities including the City Clerk shall be obtained and kept current at all times.
4. A new Zoning Use Certificate (ZUC) shall be obtained to reflect the conditional use permit approval (no new fee is required). A revised site plan showing an accurate park-

ing layout shall be provided prior to issuance of the ZUC. The plan shall be at least 11" x 17" in size.

5. All necessary permits (i.e., building, fire, engineering, etc.) shall be obtained from the Building and Safety Division, Permit Services Center and all construction shall be in compliance with the Glendale Building Code, Fire Code and all other applicable regulations.
6. The restaurant shall remain open to the public during business hours and shall be operated in full accord with applicable State, County, and local laws.
7. 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.
8. 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 in those same licensed areas.
9. No separate bar for the exclusive service of beer and wine shall be installed on the premises.
10. Beer and wine shall be the only alcoholic beverages served and they shall be served only in conjunction with the consumption of meals and shall be consumed on the premises only. Beer and wine sales shall be less than fifty (50) percent of restaurant's gross revenues.
11. No exterior signs advertising the sales/service of beer and wine shall be permitted.
12. The sales, service or consumption of beer and wine shall be permitted only between the hours of 11:00 a.m. to 11:00 p.m. each day of the week.
13. The premise shall remain open to the public during business hours as a full-service restaurant as defined in Chapter 30.70 of the Glendale Municipal Code (G.M.C).
14. No patron will be allowed to bring into the restaurant or maintain in the restaurant any beer and wine unless that beer and wine was purchased within that same establishment or unless the facility has an established corkage policy.
15. The sale of beer and wine for consumption off the premises is strictly prohibited.
16. 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.
17. The restaurant shall adhere to the City's Fresh Air (smoking) Ordinance.
18. The back door shall be kept closed at all times during business hours except in case of emergency. No storage of equipment or materials is allowed in this area.
19. 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.
20. 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 make disturbances in the area.
21. 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.

22. The facilities shall not be rented, leased or otherwise occupied for purposes not specified.
23. 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 the conditions of approval.
24. The authorization granted herein shall be valid for a period of 10 years until July 10, 2023.

#### **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 Section upon request and must be filed with the prescribed fee prior to expiration of the 15-day period, on or before Thursday, June 20, 2013 in the Permit Services Center, 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.

## **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).

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.

### **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.

### **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 and/or 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 undersigned.

Sincerely,



Jeff Hamilton  
Planning Hearing Officer

JH:sm

CC: City Clerk (K. Cortes); Fire Prevention Engineering Section (D.Nickles); Community Development Dept. (T.Foy); City Engineer and Traffic & Transportation Section (Roubik Golanian); Glendale Water & Power--Water Section (R.Takidin); Glendale Water & Power--Electric Section (Belinda Ortiz); Parks, Recreation and Community Services Dept. (Emil Tatevosian); Neighborhood Services (A.Jimenez); Integrated Waste Management (D.Hartwell); Maintenance Services Section (D.Hardgrove); Environmental Management (M.Oillataguerra); Dir. of Public Works; Dir. of Water and Power; Paul Shin--applicant; and case planner – Chris Baxter