CITY OF GLENDALE, CALIFORNIA
Community Development
Planning

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March 17, 2020

David Fink and Richard Powell
3437 Ocean View Boulevard
Glendale, CA 91206

RE: 3437 OCEAN VIEW BOULEVARD
ADMINISTRATIVE USE PERMIT NO. PAUP1925875
(JOHN SPARR TAVERN)

Dear Mr. Fink and Mr. Powell:

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 to allow the continued on-site sales, service, and consumption of alcoholic beverages (Type 47) at an existing full-service restaurant, located at **3437 Ocean View Boulevard,** in the "C3" – Commercial Service Zone, described as Lot 10, Block 27 of Sparr Heights Tract, in the City of Glendale, in the County of Los Angeles.

CODE REQUIRES

(1) The on-site sales, service, and consumption of alcoholic beverages requires an Administrative Use Permit in the "C3" Zone.

APPLICANT'S PROPOSAL

(1) To allow the continued on-site sales, service, and consumption of alcoholic beverages (Type 47) at an existing full-service restaurant.

ENVIRONMENTAL DETERMINATION

The project is exempt from CEQA review as a Class 1 "Existing Facilities" exemption pursuant to State CEQA Guidelines Section 15301 because this project is proposing to allow on-site sales, service, and consumption of alcoholic beverages for an existing full-service restaurant within an existing commercial tenant space and involves no expansion of the existing space.

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

REQUIRED/MANDATED FINDINGS

After thorough consideration of the statements contained in the application, the plans submitted therewith and the above analysis by Community Development Department staff, this Administrative Use Permit application is approved based on the following:

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

The applicant is requesting approval of an Administrative Use Permit to allow the continued on-site sales, service, and consumption of alcoholic beverages for an existing full-service restaurant (John Sparr Tavern). The zoning land use designation for the subject property is Commercial Service (C3), and the General Plan Land Use Element designation is Community Services. The C3 zone offers a full range of goods and services to the community located along commercial thoroughfares within the city in conformance with the comprehensive general plan. A variety of uses are permitted in this zone, and a full-service restaurant is one of the intended uses. Alcoholic beverage sales are an administratively permitted use in the C3 zone.

The subject property is surrounded by other restaurants and retail businesses in an established commercial district. John Sparr Tavern has been operating as a full-service restaurant with on-site sales, service, and consumption of alcoholic beverages since 2014. Prior to 2014, a tavern operated in the same location for 55 years without issue. The continued service of alcoholic beverages in conjunction with a meal at a bona fide full-service restaurant is appropriate for subject location.

As identified in the Circulation Element, Ocean View Boulevard (between Honolulu Avenue and Verdugo Road) is a Minor Arterial. The functional purpose of urban collectors is to distribute traffic from connecting local streets onto major and minor arterial streets; the functional purpose of minor arterials is to augment the major arterial systems by forming a street network, provide access to freeways and serve activity centers within the community, and satisfy intermediate trips within the City. Provided Honolulu Avenue and North Verdugo Road are designed to accommodate various types of commercial uses and the project site has been utilized as a full-service restaurant for the past five years, the project is consistent with the Circulation Element and will not create a negative parking or traffic related impact.

Since the site is already developed and the Administrative Use Permit application only involves the continuation of on-site sales, service, and consumption of alcoholic beverages at an existing full-service restaurant with no changes, other elements of the General Plan, including the Open Space, Recreation, Housing and Noise Element, will not be impacted as a result of the project. Therefore, allowing this existing full-service restaurant to continue its on-site sales, service, and consumption of alcoholic beverages in addition to food service will be consistent with the objectives of the General Plan.

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 continued on-site sales, service, and consumption of alcoholic beverages at the existing full-service restaurant will not be detrimental to the public health or safety, the general welfare, or the environment. The project has been reviewed by the Police Department and the Divisions of Neighborhood Services and Planning within the Community Development Department to identify potential negative impacts of the project on the public health, safety, general welfare or environment.

According to the Glendale Police Department, the subject property is located in census tract 3006 where eight on-sale establishments are recommended. The Glendale Police Department reports there are currently 36 on-sale establishments in this tract, including John Sparr Tavern. Based on Part 1 crime statistics for this census tract in 2019, there were 182 crimes, 9% above the city wide average of 167. The ancillary sale of alcoholic beverages for on-site consumption in conjunction with a full-service restaurant is a common service that is not typically associated with public drunkenness or other alcohol-related crimes. This higher than average crime rate is explicable given the higher concentration of retail uses in the Sparr Heights Business District area and the nearby Montrose Shopping Park, compared to lower density residential areas, which typify most of the City. Within the last calendar year, there were no calls for police service at the location.

Neither the Police Department nor Neighborhood Services Division cited concerns related to this project. However, conditions of approval by the Police Department are incorporated to ensure there are no negative impacts to the public health, safety, 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 proposed continuation in on-site sales, service, and consumption of alcoholic beverages at an existing full-service restaurant will not adversely affect or conflict with adjacent uses or impede normal development of surrounding properties. The project site is located within a developed commercial district and is currently surrounded by other complementary businesses, including office, retail, and service type uses. A single family residential neighborhood is located to the west, across the existing 20-foot wide alley. There are no private or public schools or colleges, daycare facilities, libraries, or hospitals within quarter mile of the existing restaurant, except for a public park (Montrose Community Park) that is within quarter mile of the subject location. In addition, there are two churches (Church of Scientology Mission of the Foothills and Christian Science Church), one public school (Fremont Elementary School) and community center (Sparr Heights Community Center) that are in the neighborhood.

The applicant's request is not anticipated to interfere with the existing operations or development of the neighboring and surrounding uses, ancillary sale of alcoholic beverages for on-site consumption in conjunction with a full-service restaurant is a

common service that is not typically associated with public drunkenness or other alcohol-related crimes. In addition, it would not change the land use designation of the existing establishment. Continuing the on-site sales, service, and consumption of alcoholic beverages will contribute to the establishment's continued success, as John Sparr Tavern will be able to offer the same service and convenience that the nearby residents, shoppers, and restaurant-goers have come to appreciate over the years.

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.

This application does not include any new floor area or proposed modifications to the existing site, and has been utilized by the same full-service restaurant for the past five years, and a tavern use for over 55 years. Adequate public and private facilities, such as utilities, landscaping, and parking spaces are all existing and will continue to be provided for the existing full-service restaurant without issue. The site has been fully developed since 1939 and is located in a developed commercial district with all required utilities such as gas, electricity, water, sewers, and landscaping already in place.

The applicant's request is not expected to create a negative parking or traffic related impact, as it is not anticipated that the continued on-site sales, service and consumption of alcoholic beverages in conjunction with a meal will significantly increase the amount of patrons to the subject site that has been operating as the same full-service restaurant for the past five years. There are two parking spaces available on-site, which includes one ADA-compliant handicap space and one code compliant parking space. The parking for the existing full-service restaurant was previously addressed in Parking Reduction Permit No. PPRP1420364, which granted the reduction of 12 spaces with conditions. The existing two spaces at the rear of the restaurant, along with the existing on-street parking spots and parking spots in the municipal parking lots will continue to adequately serve the site. The Circulation Element identifies Ocean View Boulevard (between Honolulu Avenue and Verdugo Road) as a Minor Arterial. It is fully improved and adequately services the subject site and surrounding commercial developments.

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 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 findings B and C.

4) That the proposed use satisfies its transportation or parking needs, as described above in finding D.

5) That, notwithstanding consideration of the criteria in subsections 1 through 4 above, sale of alcoholic beverages for on-site consumption serves a public convenience for the area. The applicant's request to allow on-site sales, service, and consumption of alcoholic beverages at an existing full-service restaurant serves public convenience because it serves local residents, businesses and the surrounding community. Conditions placed on the approval of the project will ensure that it will not adversely impact business and residential uses.

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, 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 any expansion or modification of the facility or use which intensifies the existing Administrative Use Permit shall require a new Administrative Use Permit application. Expansion shall constitute adding floor area, increased hours of operation, changes to the use or operation, or any physical change as determined by the Director of Community Development.

4. That the restaurant and alcohol sales shall be open only between the hours of 9:00 a.m. to 12:00 a.m. Sunday through Thursday and from 9:00 a.m. to 2:00 a.m. Friday and Saturday.

5. That the outdoor patio area shall be open to use by patrons only between the hours of 9:00 a.m. and 10:00 p.m. Sunday through Thursday and 9:00 a.m. to 11:00 p.m. Friday and Saturday.

6. That sufficient measure shall be enforced to effectively eliminate interior and exterior loitering, parking congestion, disturbing noise, disturbing light, loud conversation, and criminal activities. No seating shall be provided in the parking area to discourage loitering.

7. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.

8. That noise shall be contained to the site, such that persons of normal sensitivity off-site are not disturbed.

9. That no speaker systems or televisions shall be installed outside the building or in the outdoor dining/waiting patio area.

10. That the parking area shall be kept adequately illuminated for security purposes during all hours of darkness. Light fixtures in the parking area shall be installed no higher than the height of the patio wall and shall be directed downward and away from adjacent properties. No lighting shall be installed or maintained that shines or reflects onto adjacent properties.

11. That the front and back doors to the tavern/restaurant and the outdoor patio door to the parking lot shall be kept closed at all times while the location is open for business, except in case of emergency.

12. That live entertainment shall be allowed so long as it is within the building and does not disturb adjacent business and especially the residential neighborhood to the rear.

13. That at all times when the premises are open for business, the service of any alcoholic beverage shall be made only in the areas designated with an
14. Alcoholic Beverage Control (ABC) license. Consumption of alcoholic beverages will only be on those same licensed areas.

15. That no patron of the restaurant shall be allowed to bring any alcoholic beverages that were purchased off-site, unless the restaurant has an established corkage policy allowing and regulating such.
16. That the tavern/restaurant shall be maintained as a tavern/restaurant with meal service and shall provide a menu containing an assortment of foods normally offered in such establishment. Food service shall be available at all times and in all areas of the premises during normal operating hours.

17. 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.

18. That music or noise shall be contained within the edifice of the establishment. The business shall comply with the state and local laws and ordinances concerning excessive noise and disturbing the peace. No amplified sound may be produced without first obtaining an "Amplified Sound Permit."

19. That no live entertainment is permitted without a "Live Entertainment Permit."

20. That all music or other sound produced on the premises shall not be audible off-site so as not to disturb persons in other occupancies/businesses or the public right-of-way.

21. 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.

22. That the sale of alcoholic beverages for consumption off the premises is strictly prohibited.

23. That the Manager and or Staff shall be proactive in the enforcement of the City of Glendale Clean Air Act.

24. That access to the premises shall be made available to all City of Glendale Planning Division, 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.

25. That the applicant shall comply with all applicable conditions of Parking Reduction Permit No. PPRP1420364.

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 **April 1, 2020** at the Permit Services Center (PSC), 633 East Broadway, Room 101, Monday thru Friday 7:00 a.m. to 12:00 p.m., or at the Community Development Department (CDD), 633 East Broadway, Room 103, Monday thru Friday 12:00 p.m. to 5 p.m.

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.

REVOCATION, CONTINUING JURISDICTION

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over variances, administrative use permits, 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 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 Use Permit 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 exception.

NOTICE – subsequent contacts with this office

The Applicant is further advised that all subsequent contacts with this office regarding this determination must be with the Case Planner 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, Minjee Hahm during normal business hours at her direct line (818) 937-8178 or mhahm@glendaleca.gov, between 8:30 a.m. to 5:30 p.m. weekdays.

Sincerely,
Philip Lanzafame
Director of Community Development

Bradley Collin
Planning Hearing Officer

BC:MH:sm

CC: City Clerk (K.Cruz); Police Dept. (J.Newton/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(J.Halpert); Traffic & Transportation Section (P.Casanova); General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (G. Tom/S. Boghosian/R.Takidin); Glendale Water & Power--Electric Section (B. B.Ortiz/E.Olsen/ M.Navareete/M.Kouassi); Parks, Recreation and Community Services Dept. (T. Aleksanian); Neighborhood Services Division (R.Sada/J.Jouharian/); Integrated Waste Management Admin. (D. Hartwell); Maintenance Services Section Admin. (D. Hardgrove); Street and Field Services Admin.; Engineering and Environmental Management (C.Chew/R. Villaluna); and case planner-Minjee Hahm.