



CITY OF GLENDALE, CALIFORNIA
Community Development
Planning

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October 9, 2018

Inseung Choi
818 North Pacific Avenue, Suite "I"
Glendale, CA 91206

&

Dong Kyu Min
CSHM. Corp.
20449 Via Galileo
Porter Ranch, CA 91326

**RE: 818 NORTH PACIFIC AVENUE, SUITE "I"
ADMINISTRATIVE USE PERMIT NO. PAUP 1807023
(House of Joy Restaurant)**

Dear Applicants:

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 at an existing full service restaurant in the "C2" – (Community Commercial) Zone and the "CPD" - (Commercial Planned Development) Zone, located at **818 North Pacific Avenue, Suite I**, described as Portion Lot 44 and 45 of Oliver's West Glendale Tract, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

(1) Alcoholic beverage sales, service and consumption requires an Administrative Use Permit in the "C2" and "CPD" zones.

APPLICANT'S PROPOSAL

(1) To continue the 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 15303 because this application is for an existing full service restaurant requesting to continue to sell alcohol for on-site sales, service and consumption. No added floor area is proposed.

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, the above analysis by Community Development Department staff, and any comments received from the public with respect to this application, 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 subject site is located in the C2 (Community Commercial) Zone and the General Plan Land Use Element designation is Community Services. Goods and services offered in this zone generally attract clientele from adjoining residential neighborhoods as well as the surrounding community. The continued sales, service, and consumption of alcoholic beverages within an existing restaurant at this location (within an existing shopping center) is appropriate in an area of the city zoned for commercial uses and will continue to provide an option for the dining public to enjoy alcoholic beverages with their meals.

The continued on-site sales, service, and consumption of alcoholic beverages at the restaurant will be consistent with the elements and objectives of the General Plan. The land use designation of the site is Community Services, where retail and restaurant services along major arterials, such as North Pacific Avenue, are desired. The shopping center has frontage on North Pacific Avenue, but has access from Arden Avenue, an urban collector. The project site is already developed and the applicant's request is to allow on-site sales, services, and consumption of alcoholic beverages at the existing full-service restaurant. The existing restaurant is surrounded by other complementary businesses. A residential neighborhood abuts the project site to the southeast, but given the configuration of the shopping center and the orientation of the restaurant, the neighborhood would not be affected by the use. Other elements of the General Plan, including Open Space, Recreation, Housing, and Noise, will not be impacted as a result of the applicant's request. This application does not include any added floor area or modifications to the existing building. As such, there will be no increase in required parking for the use. Adequate utilities, landscaping, and traffic circulation measures are already provided.

The Circulation Element identifies North Pacific Avenue as a major arterial and Arden Avenue as an urban collector. The restaurant has been operating since 2000 within the existing shopping center and the existing traffic circulation appears to be adequately handled around the site. The subject property has residential and commercial uses to the north across Arden Avenue, a service station directly to the south, commercial uses to the west across Pacific Avenue, and residential and commercial uses to the east along Arden Avenue. The applicant's request to continue to serve alcoholic beverages is not anticipated to create any negative traffic-related impacts on North Pacific Avenue or Arden Avenue over and above the existing conditions.

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 health, safety, and public welfare of the

neighborhood in general. According to the Glendale Police Department, the subject property is located in Census Tract 3018.01, where the suggested limit for on-sale alcohol establishments is three. Currently, there are 12 on-sale establishments located in this tract and "House of Joy" is one of the existing 12 licenses. Restaurant uses frequently serve alcoholic beverages as part of their food service. This ancillary service is not typically associated with public drunkenness or other alcohol-related crimes. Based on Part 1 crime statistics for this Census Tract, there were 201 crimes in 2017, 12% above the citywide average of 180. Within the last calendar year, there were no calls for police service at the existing restaurant. This restaurant has existed in this location since 2000 and no evidence has been presented indicating the continued sales, service, and consumption of alcoholic beverages has been an issue and is not anticipated to be detrimental to the surrounding area.

C. That the use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property.

The on-site sales, service, and consumption of alcoholic beverages at the existing full-service restaurant will not adversely conflict with adjacent uses or impede the community's normal development. "House of Joy" has operated at this location since 2000 without any major incidents. Their request to allow the continued on-site sales, service, and consumption of alcohol with meals is not anticipated to adversely conflict with surrounding properties as it will be ancillary to the primary use, a restaurant. The subject property is adjacent to residential uses and is located near other commercial businesses. The consumption of alcohol with food at the existing full-service restaurant will not conflict with adjacent or nearby land uses and will be ancillary to the primary use since there are no public facilities in the immediate vicinity of the proposed restaurant.

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 applicant's request to allow the service of alcoholic beverages at the existing full-service restaurant will not result in inadequate public or private facilities. The project site is already developed and associated facilities are existing. The existing full-service restaurant, "House of Joy", has been operating at this location since 2000. The property is legal nonconforming in terms of parking. The existing on-site parking has proven to meet the parking demand of the restaurant and has not resulted in conflicts with nearby businesses or residential development. North Pacific Avenue, as identified in the Circulation Element, is a fully developed major arterial and can adequately handle the existing traffic circulation adjacent to the site.

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 to be considered in making the findings in subsection A. through D. above have all been met and thoroughly considered:

- 1) 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 that 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, 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 based on the comments submitted by the City of Glendale Police Department. The continued sale of alcoholic beverages is incidental to food service at the existing restaurant site does not, or will not, tend to encourage or intensify crime within this reporting district as noted in Finding B above.

- 2) That where the existing or proposed use is located in a crime reporting district with a crime rate which exceeds 20 percent of the city average for Part 1 crimes, as reported by the Glendale Police Department, such use does not or will not tend to encourage or intensify crime within the district because conditions have been included in the approval of this application to ensure that any potential negative impacts will be appropriately mitigated. As noted in Finding B above, the crime rate in Census Tract 3018.01 is 12% above the city average for Part 1 crimes. In addition, no evidence has been presented that would indicate that the continued on-site sales, service, and consumption of alcoholic beverages at the subject site would encourage or intensify crime within the district.
- 3) That the existing or proposed use does not or will not adversely impact any other uses within the surrounding area (churches, public or private schools or colleges, day care facilities, public parks, libraries, hospitals, or residential uses). As noted in Finding C above, since there are no public facilities within the immediate area of the project site, the consumption of alcoholic beverages with food at the existing full-service restaurant will not conflict with any adjacent land uses.
- 4) That adequate parking and loading facilities are or will be provided for the existing or proposed use or other reasonable alternatives satisfy the transportation and parking needs of the existing or proposed use. As noted in Findings C and D above, the applicant's request is not anticipated to increase the need for public or private facilities. The ancillary service of alcoholic beverages at the existing full-service restaurant, "House of Joy" is not anticipated to intensify traffic circulation or parking demand. The site is fully developed and adequate parking and loading facilities are currently provided.
- 5) That, notwithstanding consideration of the criteria in subsections 1 through 4 above, alcoholic beverage sales, service, and on-site consumption does serve a public convenience for the area. The applicant's request to allow the continued on-site sales, service, and consumption of alcoholic beverages at an existing full service restaurant does serve a 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 nearby businesses 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 all necessary licenses as required from Federal, State, County or City authorities shall be obtained and kept current at all times.
4. That the premises shall be operated in full accord with applicable State, County, and local laws.
5. That sufficient measures shall be enforced to effectively eliminate interior and exterior boitering, parking congestion, disturbing noise, disturbing light, bud conversation, and criminal activities.
6. 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 ABC license. Consumption of alcoholic beverages will only be on those same licensed areas.
7. That the sales, service or consumption of alcoholic beverages shall be permitted only between the hours of 11:30 a.m. to 9:30 p.m., seven days a week.
8. That no patrons of the restaurant shall be allowed to bring into the establishment any alcoholic beverage that was purchased from outside of the restaurant, unless the restaurant has an established corkage policy allowing and regulating such.
9. That the restaurant shall not operate as a banquet hall. A full service restaurant may not have greater than 30% of service area available for private party rental where access by the general public is restricted provided that all events comply with the provisions of the applicant's Alcoholic Beverage Control license, and provided they have appropriate Conditional Use Permits and Use Variances if required.
10. That there shall be no video machine(s) maintained upon the premises.
11. That dancing is only allowed on the premises in designated dance floor areas, with a proper "Dance" permit. The restaurant shall not operate as a nightclub and shall not have a dance floor area greater than 200 square feet. Any establishment serving alcoholic beverages which has a dance floor greater than 200 square feet is considered a nightclub.
12. That no live entertainment is permitted without a "Live Entertainment Permit". No karaoke, no bikini activities or events, no lingerie activities or events, no swimwear activities or events, nor any similar activities or events be allowed where partial clothing of male or female entertainment is provided.
13. That all music, lighting, noise and odors shall be confined to the occupancy so as not to disturb occupants of other adjacent business or properties and patrons on the public right-of-way.
14. That the front and back doors of the restaurant shall be kept closed at all times while the location is open for business, except in case of emergency.

15. That the establishment (restaurant) 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 separate Conditional Use Permit. Taverns include bars, pubs, cocktail lounges and similar establishments.
16. That the sale of alcoholic beverages for consumption off the premises is strictly prohibited.
17. That the restaurant shall adhere to the City’s Fresh Air Ordinance, Title 8, Chapter 8.52 of the Glendale Municipal Code.
18. That access to the premises shall be made available to all City of Glendale Planning and Neighborhood Services Divisions, Police Department, and Fire Department staff upon request for the purpose of verifying compliance with all laws and conditions of this approval.
19. That a Business Registration Certificate be applied for and issued for a full service restaurant with sales, service and consumption of alcoholic beverages, subject to the findings and conditions outlined in this decision letter.
20. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.
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 no exterior signs advertising the service of alcoholic beverages shall be permitted.
23. That authorization granted herein shall be valid for a period of **TEN (10) YEARS UNTIL OCTOBER 9, 2028.**

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 City Council 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 **October 24, 2018** 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.

REVOCAION, 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 an administrative 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 30.4 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.

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.

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. 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, Bradley Collin at (818) 548-2140 or bcollin@glendaleca.gov

Sincerely,

Philip Lanzafame
Director of Community Development



Vilia Zemaitaitis, AICP
Planning Hearing Officer

VZ:BC:sm

CC: City Clerk (K.Cruz); Police Dept. (A.Jenks/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. Alshanti/B.Ortiz/E.Olsen); 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/T.Dodson); Street and Field Services Admin.; Engineering and Environmental Management (C.Chew/R. Villaluna);and case planner – Brad Collin-Senior Planner