



CITY OF GLENDALE, CALIFORNIA
Community Development
Planning

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January 10, 2019

Mi Jeong Kim
17843 Hiawatha Street
Granada Hills, CA 91344

RE: 1023 EAST COLORADO STREET - Unit 'D'
ADMINISTRATIVE USE PERMIT NO. PAUP 1818474
(Sushi GP Restaurant)

Dear Applicant:

Pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.49, the Community Development Department has processed your application for an application for an Administrative Use Permit (AUP) to allow the continued on-site sales, service, and consumption of beer and wine (ABC License Type 41) at an existing full-service restaurant (Sushi GP Restaurant) in the "C3" – Commercial Service Zone, located at **1023 East Colorado Street - Unit 'D'**, described as a Portion of lot 24, Block B, Wright and Callenders Wrightlands Tract in the City of Glendale, County of Los Angeles.

CODE REQUIRES

(1) On-site sales, service and consumption of beer and wine requires an Administrative Use Permit in the Commercial Service Zone.

APPLICANT'S PROPOSAL

(1) To allow the continued on-site sales, service and consumption of beer and wine (ABC License Type 41) at an existing full-service restaurant.

ENVIRONMENTAL DETERMINATION

The project is exempt from CEQA review as Class 1 "Existing Facilities" exemption pursuant to State CEQA Guidelines Section 15301 because this application is for an existing full-service restaurant to allow the continued sales, service and on-site consumption of beer and wine with meals. The request does not involve additional floor area to the existing building or changes to the exterior façade.

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 continued sales, service, and on-site consumption of beer and wine at the existing full-service restaurant will be consistent with the various elements and objectives of the general plan. The subject site is located in the Community Services commercial land use designation, which is designed to provide community services. A full-service restaurant is a permitted use within the C3 (Commercial Service) Zone, and therefore, consistent with the land use designation. The C3 zone is an area that offers a full range of goods and services to the community along commercial thoroughfares within the city in conformance with the comprehensive General Plan. The uses in this zone are intended to accommodate retail shopping and convenience services. A restaurant use and the on-site sales, service and consumption of alcoholic beverages at the existing restaurant will be consistent with the elements and objectives of the General Plan. The continued on-site sales, service, and consumption of beer and wine at the existing restaurant is ancillary to the primary use and will not change the existing nature of the business.

The Circulation Element classifies East Colorado Street as a Major Arterial street and Adams Street (Doran Street to Palmer Avenue) as an Urban Collector with medium and medium-high density residential uses that are fully developed and can adequately handle the existing traffic circulation around the site. These streets serve the subject site and the adjacent residential neighborhoods in the area. The continued sales, service and consumption of beer and wine, which necessitates the requested administrative use permit, should not add traffic to the surrounding area since the AUP request does not involve adding new floor area and beer and wine service is already present. Providing such services along a major thoroughfare that is conveniently located is in keeping with the City's policies to reduce automobile trips and encourage walking. As such, traffic should not be impacted as a result of the project and will be in compliance with the Circulation Element. Other elements of the General Plan, including Open Space, Recreation, Housing, and Noise Elements, will not be impacted as a result of the applicant's request. As previously indicated, this application does not include any added floor area or modifications to the existing building; therefore, there will be no increase in required parking for this use. The proposal to continue operating the full-service restaurant with the ancillary service of beer and wine with meals for on-site consumption, will not impact the existing parking and landscaping 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 beer and wine at the existing full-service restaurant will not be detrimental to the public health or safety and the general welfare, or the environment. According to the Glendale Police Department, the subject

property is located in Census Tract 3022.01 where the suggested limit for on-sale alcohol establishments is three. Currently, there are 24 on-sale establishments located in this tract, including “Sushi GP”. Therefore, this administrative use permit request to allow the continued service of beer and wine will not add to the existing on-sale establishments in its census tract. Further, it is not anticipated to generate any adverse impacts on the surrounding area caused by over concentration. Based on Part 1 crime statistics for this Census Tract, in 2017, there were 239 crimes, 33 percent above the citywide average of 180. While this area has more crime than in many other areas of the city, it has a high concentration of retail establishments and multi-family uses, which tend to have a higher crime rate compared to lower density residential. Within the last calendar year, there were no calls for police service at this location. A full-service restaurant has operated at this location for approximately 12 years without adverse impacts to the neighborhood. The continued sales, service, and consumption of beer and wine is intended to enhance the dining experience. The Glendale Police Department did not cite concern regarding the renewal of sales, service and on-site consumption of beer and wine at the existing full-service restaurant.

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 on-site sales, service and consumption of beer and wine at the existing full-service restaurant will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property. The consumption of beer and wine with food at the existing full-service restaurant will not conflict with the adjacent land uses and will be ancillary to the primary use. A restaurant has operated at this location without any major incident for approximately 12 years. The restaurant will operate seven days a week as follows: Sunday through Thursday from 11:00 a.m. to 10:00 p.m. and Friday and Saturday from 11:00 a.m. to 11:00 p.m. Conditions placed on this approval requesting to continue the sales, service and on-site consumption of beer and wine at the existing full-service restaurant will ensure that it will not adversely impact nearby businesses and residential uses.

There are residential developments in the area, to the north and east of the subject site as well as two churches within 1000 feet. The continued sales, service, and on-site consumption of beer and wine should not impact the existing residential and church uses in the vicinity since the residential uses are oriented towards Adams Street and Orange Grove Avenue. There is a church located east of the subject site on the northwest corner of Chevy Chase Drive and Orange Grove Avenue (the Chinese Faith Church) and a church and a private school on the southeast corner of East Colorado Street and Wing Street (the First Lutheran Church and School). While these facilities and uses are in the neighborhood, given that they are not adjacent to the subject site and are located approximately 0.2 miles east of the subject site, it is not anticipated that the applicant’s request will impede their existing operations. While residential uses are in the neighborhood and abut the site on the north side, given the location and orientation of the subject restaurant facing Colorado Street, the approval of the requested administrative use permit to continue the sales, service and on-site consumption of beer and wine with meals will not adversely impact the existing residential uses nor impede the development of surrounding properties. The request is to continue the ancillary service of beer and wine with meals without modifications to the

building, site plan or business operation. The Glendale Police Department did not receive calls for service at this location. Overall, the Glendale Police Department did not cite major concern regarding the applicant's request to continue the on-site sales, service and consumption of beer and wine with meals. Further, no evidence was submitted that would indicate that Sushi GP Restaurant has been or will be a problem in the future.

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.

Adequate public and private facilities such as utilities, landscaping, parking spaces and traffic circulation measures are provided for the proposed use. The applicant is proposing to continue to operate the full-service restaurant in the existing manner; therefore, it is not anticipated there will be an increase in demand for public or private facilities. The applicant's request to continue the sales, service and on-site consumption of beer and wine at a full-service restaurant is not anticipated to create any negative traffic-related impacts on East Colorado Street or Adams Street over and above the existing conditions. Further, this application does not propose any added floor area to the existing building or changes to the establishment's operations. The request is not anticipated to intensify traffic circulation or parking demand, as it is ancillary to the primary restaurant use. The existing utilities, landscaping, parking spaces, and traffic circulation measures are adequate as they are already in place.

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 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 as noted in Finding B above.
- 2) 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 the sales, service, and consumption of beer and wine at this location has or would encourage or intensify crime within the district as noted in Finding B above
- 3) 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). As noted in Finding C above, there are no libraries or hospitals within 1000 feet of the subject restaurant. While residential and church/private school uses are located nearby, the restaurant, should not impact these uses. Additionally, the project is conditioned to ensure the function of this full-service restaurant with the sale, service and consumption of beer and wine is in compliance with all municipal codes and state law. The continued on-site sales, service and consumption of beer and wine at the existing full-service restaurant is not anticipated to adversely impact other neighboring uses in this area.

- 4) That the proposed use satisfies its transportation or parking needs as described in Finding D above because adequate access and parking are available to serve this use.
- 5) That notwithstanding consideration in subsections 1 through 4 above, the operation of a full-service restaurant with the sales, service and on-site consumption of beer and wine does serve a public convenience for the area because it serves local residents, businesses, and the surrounding community as evidenced by the full-service restaurant at this location for the past 12 years. 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 sufficient measures shall be enforced to effectively eliminate interior and exterior littering, parking congestion, disturbing noise, disturbing light, loud conversation, and criminal activities.
4. 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 Alcoholic Beverage Control (ABC) license. Consumption of beer and wine will only be on those same licensed areas.
5. That the sales, service or consumption of beer and wine shall be permitted only between the hours of 11:00 a.m. to 10:00 p.m., Sunday through Thursday and 11:00 a.m. to 11:00 p.m. Friday and Saturday.
6. 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.
7. 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.
8. That there shall be no video machine(s) maintained upon the premises.

9. 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.
10. That 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.
11. 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.
12. 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.
13. That the sale of beer and wine for consumption off the premises is strictly prohibited.
14. That the restaurant shall adhere to the City’s Fresh Air Ordinance, Title 15, Chapter 8.52 of the Glendale Municipal Code.
15. That the restaurant shall be operated in full accord with applicable State, County, and local laws.
16. 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.
17. That a Business Registration Certificate be applied for and issued for a full-service restaurant with sales, service and consumption of beer and wine, subject to the findings and conditions outlined in this decision letter.
18. That authorization granted herein shall be valid for a period of **TEN (10) YEARS UNTIL JANUARY 10, 2029.**

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 **January 25, 2019** at the PSC, 633 East Broadway, Room 101, Monday thru Friday 7:00 a.m. to 12:00 p.m., or at the 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 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 30.4 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

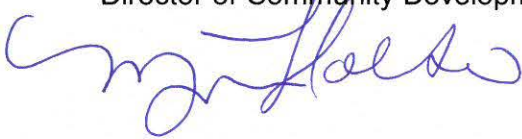
An Administrative Use Permit may be terminated by the review authority upon any interruption or cessation of the use permitted by the Administrative Use Permit for one year or more in the continuous exercise in good faith of such right and privilege.

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



Milca Toledo
Planning Hearing Officer

MT: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. 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 – Bradley Collin.