



CITY OF GLENDALE, CALIFORNIA

Community Development
Planning

633 E. Broadway, Suite 103
Glendale, CA 91206-4311
Tel. (818) 548-2140 Fax (818) 240-0392
glendaleca.gov

August 22, 2019

Alex Woo
3530 Wilshire Boulevard, Suite 1170
Los Angeles, CA 90010

**RE: 2232 HONOLULU AVENUE
ADMINISTRATIVE USE PERMIT NO. PAUP1912845
(Sushi Plus)**

Dear Mr. Woo:

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 beer and wine (Type 41) at an existing full-service restaurant, located at **2232 Honolulu Avenue**, in the "CR" – Commercial Regional Zone, described as Lot 5 of Tract No. 1701 in the City of Glendale, in the County of Los Angeles.

CODE REQUIRES

(1) The on-site sales, service, and consumption of beer and wine requires an Administrative Use Permit in the "CR" Zone.

APPLICANT'S PROPOSAL

(1) To allow the continued on-site sales, service, and consumption of beer and wine (Type 41) 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 beer and wine 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 continued on-site sales, service, and consumption of beer and wine for an existing full-service restaurant (Sushi Plus). The zoning land use designation for the subject property is Commercial Retail (CR), and the General Plan Land Use Element designation is Commercial Regional. The CR zone is intended as a zone to accommodate retail shopping and convenience services in the Montrose Shopping Park. 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 CR zone.

The subject property is surrounded by other restaurants and retail businesses in the established shopping area, Montrose Shopping Park. Sushi Plus has been operating as a full-service restaurant with on-site sales, service, and consumption of beer and wine since 2006. The applicant's request is not anticipated to interfere with the existing operations or development of the neighboring and surrounding uses since ancillary sale of beer and wine 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. Continuing the on-site sales, service, and consumption of beer and wine will contribute to the restaurant's continued success, as Sushi Plus will be able to offer the same service and convenience that the nearby residents, shoppers, and patrons have come to appreciate over the past decade.

Since the site is already developed and the Administrative Use Permit application only involves the continuation of on-site sales, service, and consumption of beer and wine 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 beer and wine 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 beer and wine 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 3006.00, where eight on-sale establishments are recommended. The Glendale Police Department reports there are currently 32 on-sale establishments in this tract, including Sushi Plus. However, it is anticipated that the number of on-sale establishments may increase to 33, due to recent approval of an Administrative Use Permit for "Pink Pig," a new

restaurant located in the same tract. Based on Part 1 crime statistics for this census tract in 2018, there were 182 crimes, 9% above the city wide average of 167. The ancillary sale of beer and wine 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 Montrose Shopping Park area, compared to lower density residential areas, which typify much 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 of the on-site sales, service, and consumption of beer and wine 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 currently surrounded by general retail uses and restaurants in the Montrose Shopping Park in all directions. There are no known parks, private or public schools or colleges, daycare facilities, libraries, or hospitals within quarter mile of the existing restaurant; there is one church (Church of Scientology Mission of the Foothills, 2254 Honolulu Avenue) within quarter mile of the subject location.

Sushi Plus has served beer and wine for over a decade with no problems. The applicant's request is not anticipated to interfere with the existing operations or development of the neighboring and surrounding uses, since ancillary sale of beer and wine 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.

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, and parking spaces are all existing and will continue to be provided for the proposed use without issue. The site has been fully developed since 1948 and is located in a developed shopping park with all required utilities such as gas, electricity, water, sewers, and landscaping already in place. 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 more than a decade. Because the subject tenant space was previously occupied by a retail business and had an area of 1,214 square-feet, Sushi Plus qualified for exemption of additional parking requirements under GMC 30.32.030(C)(2) when the change of use occurred in 2006. The existing three legal non-conforming parking spaces in the rear of the restaurant, accessed from the alley, along with the existing on-street parking spots and parking spots in the municipal parking lots, will continue to serve the site.

The applicant's request is not expected to create a negative parking or traffic related impact, as it is not anticipated the continued on-site sales, service and consumption of beer and

wine 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 over a decade. As identified in the Circulation Element, Honolulu Avenue is an Urban Collector, North Verdugo Road is a Major Arterial, and Market Street is a local street. 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 twelve years, the project is consistent with the Circulation Element and will not create a negative parking or traffic related impact.

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 beer and wine for on-site consumption serves a public convenience for the area. The applicant's request to allow on-site sales, service, and consumption of beer and wine at a new fast food 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 permits shall be obtained from the Building and Safety Division and all construction shall be in compliance with the Glendale Building Code and all other applicable regulations.
3. 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.
4. 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.
5. That 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. from Monday to Sunday.
6. That the Business Registration Certificate (BRC) for the full-service restaurant shall be renewed and the approved Administrative Use Permit be identified in the new BRC
7. 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.
8. That no patron of the restaurant shall be allowed to bring any beer and wine that were purchased off-site, unless the restaurant has an established corkage policy allowing and regulating such.
9. 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.
10. That the premises shall maintain a bona fide restaurant and shall provide a menu containing an assortment of foods normally offered in such restaurant. Food service shall be available at all times and in all areas of the premises during normal operating hours.
11. That the full-service restaurant shall not become a tavern. An establishment that primarily provides for the on-premises sale, serving and consumption of beer and wine and that derives more than fifty (50) percent of gross revenues from the sale of beer and wine is by definition of the code a "tavern" and requires approval of a separate conditional use permit.
12. That 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.

13. 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."
14. That no live entertainment is permitted without a "Live Entertainment Permit."
15. 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.
16. 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.
17. That the sale of beer and wine for consumption off the premises is strictly prohibited.
18. That the Manager and or Staff should be proactive in the enforcement of the City of Glendale Clean Air Act.
19. 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.
20. That authorization granted herein shall be valid for a period of **TEN (10) YEARS UNTIL AUGUST 22, 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 **September 6, 2019** 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 administrative 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.

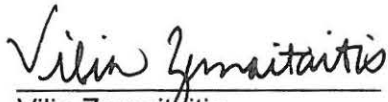
NOTICE—subsequent contacts with this office

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, Minjee Hahm at (818) 937-8178 or mhahm@glendaleca.gov.

Sincerely,

Philip Lanzafame
Director of Community Development


Vilia Zemaitytis
Planning Hearing Officer

VZ: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.