



**CITY OF GLENDALE, CALIFORNIA**

Community Development  
Planning

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**April 9, 2020**

**Applicant:**

Hajime Uba  
17932 Sky Park Circle  
Irvine, CA 92614

Krista Garritano  
5243 East Beverly Blvd.  
Los Angeles, CA 90022

**RE: 1314 Galleria Way, Suite 1003  
ADMINISTRATIVE USE PERMIT CASE NO. PAUP 2001158  
(Kura Sushi)**

**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 (AUP) to allow the on-site sales, service and consumption of beer and wine at a full service restaurant (ABC License Type 41) in the “DSP/GAL” – Downtown Specific Plan/Galleria Zone, located at 1314 Galleria Way, Suite 1003, described as Lots 1 – 6, Tract 24714 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 Downtown Specific Plan/Galleria District Zone.

**APPLICANT’S PROPOSAL**

(1) To allow the on-site sales, service and consumption of beer and wine (ABC License Type 41) at a new fast food restaurant.

**ENVIRONMENTAL RECOMMENDATION**

The project is exempt from CEQA review per State CEQA Guidelines Section 15301, Class 1 “Existing Facilities” because this application is for on-site sales, service, and consumption of beer and wine at a new full service restaurant. This is a change in use within an existing tenant space. There are no proposals to add floor area to the restaurant.

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 DSP/GAL (Downtown Specific Plan/Galleria District) Zone and the General Plan Land Use Element designation is Downtown Specific Plan. A full service restaurant is a permitted use within the DSP/GAL (Downtown Specific Plan/Galleria District) Zone and therefore, consistent with the land use designation. Goods and services that are offered in this zone generally attract clientele from the region as well as the surrounding community. The sale, service, and consumption of beer and wine for on-site consumption at this location is intended to complement the full service restaurant and is appropriate in this area of the city.

The sale, service, and consumption of beer and wine for on-site consumption at the new restaurant will be consistent with the elements and objectives of the General Plan. The Land Use Designation of the site is Downtown Specific Plan/Galleria District Zone. These areas are generally located along the city's major arterials, like Brand Boulevard and Central Avenue between Broadway and Colorado and is fully developed with a regional shopping center. These streets are fully improved serving a multitude of businesses and residential developments. They can adequately handle the existing traffic circulation around the site. The applicant's request to allow the sale, service, and consumption of beer and wine for on-site consumption is not anticipated to create any negative traffic-related impacts on Brand Boulevard, Central Avenue, Broadway Avenue, and Colorado Street over and above the existing conditions. Providing such services along a major arterial 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 and will be in compliance with the Circulation Element.

The project site is already developed and the applicant's request is to allow on-site sales, service, and consumption of beer and wine at the full service restaurant. The subject tenant space is surrounded by other complementary businesses, including retail and restaurant uses to the north, south, and east of the subject Galleria. Multi-family residential neighborhoods are located on the west (across Columbus Avenue) of the site. No residential development directly abuts the subject site. 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. The subject business provides additional dining opportunities to the surrounding community as intended by the General Plan. This application does not include any added floor area, just a tenant improvement to the existing tenant space. However, this is a change in use from a physical instruction school use to a full service restaurant and additional parking would not be required since the tenant space is less than 5,000 square feet and per Chapter 30.32.030 C.2. it qualifies as an exception

for the change in uses. The existing parking lot contains 6,298 parking spaces which should not be impacted by the new restaurant. Adequate utilities, landscaping, and traffic circulation measures are already provided.

**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 proposed sales, service, and consumption of beer and wine for on-site consumption at the new full service restaurant will not be detrimental to the health, safety and public welfare of the neighborhood. According to the Glendale Police Department, the subject property is located in Census Tract 3023.01 where the suggested limit for off-sale alcohol establishments is three. Currently, there are 21 on-sale establishments located in this tract and Kura Sushi would increase the total to 22 licenses. Full service restaurants, similar to the new restaurant, frequently sell beer and wine for on-site consumption as part of their 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 877 crimes, which is above the citywide average of 167 in 2019. The Glendale Police Department did not cite any major concerns related to the proposed sale, service, or consumption of beer and wine at the new full service restaurant and it is unlikely that the proposed request will increase crime in the area above the existing conditions. Additionally, the Police Department has recommended conditions of approval to ensure that 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.**

It is not anticipated that the sale, service or consumption of beer and wine for on-site consumption at the proposed full service restaurant will adversely affect or conflict with adjacent uses or impede the community's normal development. The proposed full service restaurant is located in an existing regional shopping center and mainly serves sushi. The sale of beer and wine for on-site consumption should not cause any conflicts with surrounding development and it is not anticipated to have adverse conflicts with surrounding properties or uses in the future.

The subject property is surrounded by other businesses including retail and restaurant type uses. The closest public facilities to the subject site are First Evangelical Church on west Broadway near Pacific Avenue and Thomas Edison Elementary School, located on South Pacific and Vine Street. While these uses and facilities are within close proximity, the sale of beer and wine for on-site consumption at the proposed full service restaurant should not impact the surroundings or abovementioned uses. The recommended conditions of approval will serve to mitigate any potential impacts on the surrounding properties and uses.

**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 sale, service and consumption of beer and wine for on-site consumption at the proposed full service restaurant will not result in inadequate public or private facilities. The project site is already developed and associated facilities are existing. Per finding A, above, the existing on-site parking should meet the parking demand of the subject property and will not result in conflicts with the existing nearby businesses or residential developments. The site has access from West Broadway, West Colorado Street, and South Brand Boulevard which are identified as a fully developed major arterial in The Circulation Element. In addition, the site has access from South Columbus Avenue, which is considered an Urban Collector. Urban collectors take traffic from local streets and distribute that traffic to the major/minor arterials and Columbus Avenue, a fully developed major arterial can adequately handle the existing traffic circulation adjacent to the site. Therefore, the sale, service and consumption of beer and wine at this proposed full service restaurant for on-site consumption will not drastically increase traffic in the existing facility or in the surrounding area. Additionally, no expansion of the existing use is being proposed so no additional parking is required.

**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 on-site use is located in a census tract with more than the recommended maximum concentration of on-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 sale of beer and wine for on-site consumption at the proposed full service restaurant will not tend to encourage or intensify adverse impacts 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. As noted in Finding B above, the crime rate in Census Tract 3023.01 is 425% above the citywide average for Part 1 crimes. No evidence has been presented that the sale of beer and wine for on-site consumption at the proposed full service restaurant would encourage or intensify crime within the district. Conditions of approval are recommended by the Police Department to ensure that the approval of this AUP will not tend to 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, there is one church and one elementary school within the immediate area of the subject site. While these facilities and uses are within close proximity, the on-site sales,

service, and consumption of beer and wine at the proposed full service restaurant should not impact the surrounding or abovementioned uses. While the proposed full service restaurant (Kura Sushi) is new to the commercial center there are other similar uses adjacent to this tenant space that have not adversely affected or conflicted with other adjacent uses and public facilities.

- 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 A, C and D above, the applicant's request is not anticipated to increase the need for public or private facilities. The ancillary sale, service, and consumption of beer and wine for on-site consumption at the proposed full service restaurant (Kura Sushi) 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 consumption for on-site consumption does serve a public convenience for the area. The applicant's request for the proposed sale, service and consumption of beer and wine for on-site consumption at the proposed full service restaurant (Kura Sushi) 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 sufficient measures shall be enforced to effectively eliminate interior and exterior loitering, 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 and consumption of any alcoholic beverage shall be made only in the areas designated with an ABC license.

5. That the sales, service or consumption of alcoholic beverages shall be permitted only between the hours of 10:00 am to 9:00 pm, seven days a week, and only when the restaurant is open for service.
6. That there shall be no video machine(s) maintained upon the premises.
7. 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.
8. 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.
9. 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.
10. 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.
11. That the sale of alcohol for consumption off the premises is strictly prohibited.
12. That the restaurant shall be operated in full accord with applicable State, County, and local laws.
13. 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.
14. 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.

**APPEAL PERIOD (effective date), TIME LIMIT, LAPSE OF PRIVILEGES, TIME EXTENSION**

The applicant's attention is called to the fact that this approval 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 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, appeal forms and fees will be provided by the Community Development Department (CDD) staff upon request by calling 818-548-2140.

The completed appeal form must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **APRIL 24, 2020**.

Due to the current COVID-19 social distancing and work from home orders issued by federal, state and local governmental agencies, in order for any appeal to be considered timely, **the appeal must be postmarked by the April 24, 2020 deadline (mailed to Community Development Department – Planning Division, Attention (Bradley Collin), 633 East Broadway, Room 103, Glendale, CA 91206) OR emailed to the case planner (bcollin@glendaleca.gov) prior to the close of said business day.** The prescribed fee must be included along with the appeal application and may be submitted either in the form of a check or credit card payment. For credit card payment, please contact the case planner to make arrangements with the cashier. Note: The standard 2.5% fee for credit card payment applies.

**APPEAL FORMS available on-line: <http://www.glendaleca.gov/appeals>**

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. Visit us.

## **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 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.

## **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



Chris Baghdikian  
Hearing Officer  
Senior Planner

CB:bc

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); Dir. of Public Works (Y. Emrani); Traffic & Transportation Section (P. Casanova); Integrated Waste Management Admin. (D. Hartwell); Maintenance Services Section Admin. (D. Hartdrove/T. Dodson); Street and Field Services Admin.; Engineering and Environmental Management (C. Chew/R. Villaluna); 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); and case planner – Bradley Collin.