



CITY OF GLENDALE, CALIFORNIA

Community Development
Planning

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December 14, 2023

Sinaga Sijaya
3731 Foothill Boulevard, Unit 'H'
La Crescenta, CA 91214

RE: 3731 FOOTHILL BOULEVARD, UNIT 'H'
ADMINISTRATIVE USE PERMIT CASE NO. PAUP-001960-2023
(Chamsutgol BBQ)

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 Administrative Use Permit (AUP) to allow the on-site sales, service, and consumption of beer and wine (ABC License Type 41) at an existing full-service restaurant with sidewalk dining (Chamsutgol BBQ), located at **3731 Foothill Boulevard – Unit 'H'** in the "CH" – Commercial Hillside Zone, described as Portion of Lot 2, Crescenta Canada Tract / APN: 5603-019-030, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

- 1) The sale of alcoholic beverages requires an Administrative Use Permit in the CH zone (Section 30.12.020, Table 30.12-A).

APPLICANT'S PROPOSAL

- 1) To allow the continued on-site sales of alcoholic beverages 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(e), because the discretionary permit request is to allow for the continued on-site sales, services, and consumption of beer and wine at an existing restaurant within an existing commercial space and there is no additional floor area proposed.

REQUIRED/MANDATED FINDINGS

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

The applicant is requesting an AUP to continue the on-site sales, service and consumption of beer and wine (ABC License Type 41) at an existing full-service restaurant. The subject site is located within the CH (Commercial Hillside) Zone, and the Land Use Element of the General Plan designates the subject site as Community Services – which are neighborhood centers offering goods and services offered to generally attract clientele from the adjoining residential neighborhoods, but at a larger market scale. The continued service of beer and wine at the existing full-service restaurant would be consistent with the General Plan because it is a recognized land use associated with a full-service restaurant, and the subject tenant space has operated as a restaurant with beer and wine service for the past 15 years. Serving alcoholic beverages in conjunction with bona fide food service is a common ancillary use for restaurants and will further assist in making Glendale a dynamic destination. Furthermore, the subject property is accessed via Foothill Boulevard which has been identified as a major arterial by the City's Circulation Element. The functional purpose of major arterial streets is to handle the heavier traffic volumes and distribute traffic to freeways, collector streets and business centers within and outside of the City's boundaries and has the capacity to handle the existing restaurant's traffic circulation. Given that the project site is already developed, other elements of the General Plan, including the Open Space, Recreation, Housing and Noise Elements, will not be impacted as a result of the project.

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 on-site sales, service and consumption of beer and wine at an 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 3003.01 where the suggested limit for on-sale establishments is six. Currently there is one other on-sale establishments in this census tract and Chamsutgol BBQ will be the second. Based on Part 1 crime statistics for census tract 3003.01 in 2021, there were 98 crimes, 41% below the city wide average of 167. Within the last calendar year, there have not been any calls for service to the Glendale Police Department for this tenant space. The Glendale Police Department did not cite any concerns with the applicant's request to continue the on-site sales, service and consumption of beer and wine to an existing full-service restaurant at this location. Conditions of approval are included with this approval to mitigate any potential negative impacts.

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 continued on-site sales, service and consumption of beer and wine at an existing full-service restaurant will be detrimental to the community or adversely conflict with the community's normal development of surrounding properties, as conditioned. The subject property is located in an existing commercial strip mall with variety of complementary businesses, such as retail, personal services and fast food restaurants. There are three public facilities located in the immediate area (0.5 of a mile) of the subject site: Saint James School at 4651 Dunsmore Avenue, Dunsmore Elementary School at 4717 Dunsmore Avenue and Dunsmore Park at 4700 Dunsmore Avenue. In addition, there is another park and one public schools located in the vicinity and beyond 0.5 mile of the subject property: New York Park, located at 4525 New York Avenue (0.6 of a mile to the southeast) and Anderson W Clark High School located at 4747 New York Avenue (0.9 of a mile to the northeast). While these facilities and uses are within the vicinity, they are well outside the immediate 0.5 mile radius of the project site. Located behind the commercial center are abutting parcels developed with single-family residential dwellings accessed by Danny Street. While these facilities and uses are within close proximity, the applicant's request to continue the sales and consumption of beer and wine at an existing restaurant that has served alcoholic beverages in conjunction with a meal for over the past 15 years. No evidence has been submitted which would indicate that the applicant's request to continue the on-site sales, service and consumption of beer and wine at the existing restaurant will adversely impact any church, public school or college, day care facility, public park, library, hospital, or residential use within the surrounding area. The existing restaurant use fits in well with the existing surrounding commercial land uses. There were no concerns or comments submitted by the Police Department or Neighborhood Services Division that would indicate that the administrative use permit to continue the ancillary service of beer and wine at Chamsutgol BBQ would impact surrounding uses in the area. Conditions of approval included as part of this approval and the Director of Community Development's continuing jurisdiction over this case will ensure compliance with City codes, ordinances and regulations.

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, on-site parking and landscaping exist on the property. The subject tenant space is located in a shopping center constructed since 2007. Beer and wine with meals have been a part of a restaurant use at this location beginning in 2007 and have continued to the present time. The

restaurant's parking lot is accessed from Foothill Boulevard by two driveways. No new floor area is proposed nor are changes proposed to the number of parking spaces or parking lot design. It is not anticipated that there will be increased parking and traffic impacts as a result of continuing the sale of beer and wine with food service at the subject restaurant. Additionally, a previously applied condition will remain as part of the project's approval to limit alcoholic beverage sales to be ancillary and in conjunction with a meal.

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 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 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 (ABC), 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 as described 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 I 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 of approval have been included in the approval of this application to ensure that any potential negative impacts will be appropriately mitigated, as described in Finding B above.
3. That the existing or proposed 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 in Finding C above.
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 described in Finding D above.

5. That notwithstanding consideration in subsections 1 through 4 above, the operation of an existing full-service restaurant with the on-site sales, service and consumption of beer and wine does serve a public convenience for the area 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 and presented at the hearing except for any modifications as may be required to meet specific Code standards or other conditions stipulated herein to the satisfaction of the Hearing Officer.
2. That all licenses and permits as required or approvals 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, distributing noise, distributing light, loud conversation, and criminal activities.
4. 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 shall only be on those same licensed areas.
5. That the premises shall be operated in full accord with applicable State, County, and local laws.
6. 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.
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 in those same licensed areas.
8. That no separate bar for the sales, service and consumption of beer and wine shall be permitted.
9. That no exterior signs advertising the sales and service of beer and wine shall be permitted.

10. That there shall be no video machine(s) and/or video game(s) maintained upon the premises.
11. That no live entertainment is permitted without a "Live Entertainment Permit".
12. That the front and back doors of the establishment shall be kept closed at all times while the location is open for business, except in case of emergency.
13. That beer and wine shall be the only alcoholic beverages served and they shall be served only in conjunction with the consumption of meals and shall be consumed on the premises only. Beer and wine sales shall be less than fifty (50) percent of restaurant's gross revenues.
14. That the sales, service or consumption of beer and wine shall be permitted only between the hours of 11:00 a.m. to 12:00 a.m. each day of the week.
15. That the premise shall remain open to the public during business hours as a full-service restaurant as defined in Chapter 30.70 of the Glendale Municipal Code (G.M.C).
16. That no patron will be allowed to bring into the restaurant or maintain in the restaurant any beer and wine unless that beer and wine was purchased within that same establishment or unless the facility has an established corkage policy.
17. That the proposed full-service restaurant shall adhere to the City's Fresh Air (smoking) Ordinance.
18. That patrons shall not be permitted to remain in the parking area after closure or to loiter in the parking area while the business is open.
19. 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 make disturbances in the area.
20. That any expansion or modification of the facility or use which intensifies the existing conditional use permit shall require a new administrative use permit application. Expansion shall constitute adding floor area, changes to the use or operation, or any physical change as determined by the Planning Hearing Officer, with concurrence from the Director of Community Development.
21. That the facilities shall not be rented, leased or otherwise occupied for purposes not specified.
22. That no outdoor storage shall be allowed on the site.

23. That the rear door facing the residential zone shall remain closed except as necessary for the kitchen's operation such as during deliveries of goods and removing trash and recyclable items to the trash enclosure.
24. That access to the premises shall be made available to all City of Glendale Planning and Neighborhood Services Division, Police Department, and Fire Department staff, upon request for the purpose of verifying compliance with all laws and the conditions of approval.
25. That all mitigation measures listed in the mitigated negative declaration resulting from the processing of Environmental Information Form No. 2003-12 shall be met.
26. That all conditions listed in the Parking Reduction Permit No. PPRP 2007-010 shall be met.
27. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash and graffiti.
28. 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

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. Any appeal must be filed online with the prescribed fee prior to expiration of the 15-day appeal period, on or before **DECEMBER 29 2023**.

All appeals must be filed using the City's online permit portal: www.glendaleca.gov/Permits. Create an account, click "Apply," type "appeal" in the search bar, and apply for "Appeal of Planning Decision." Any appeal must be filed within fifteen (15) days following the actual date of the decision with the prescribed fee prior to the expiration of the 15-day appeal period, on or before **DECEMBER 29, 2023**. Information regarding appeals and appeals and fees may be obtained by calling the Community Development Department staff at 818.548.2115, or contacting the case planner, Dennis Joe at 818-937-8157. or email: djoe@glendaleca.gov

GMC CHAPTER 30.41 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.

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 (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.

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 sold, 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

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over Administrative Use Permits. To consider the revocation, the Director of Community Development 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.

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, Dennis Joe at 818-548-8157 or djoe@glendaleca.gov.

Sincerely,
Bradley Calvert
Director of Community Development



Milca Toledo
Planning Hearing Officer

MT:DJ:sm

CC: City Clerk (K.Cruz); Building and Safety (S.Hairapetian); Neighborhood Services Division (J.Sada); Design Review & Historic (J.Platt/K.Conley); Economic De. (M.Berry); Housing (P.Zovak / M. Fortney); Urban Design and Mobility F.Zohrevand); Parks, Recreation and Community Services and Park (T. Aleksanian/ A.Limayo); Information Services (G.Arnold);_City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Engineering Section-(J.Diaz/ D.Stimson); Traffic & Transportation Section (P.Casanova/S.Roudsari); General Manager for Glendale Water and Power (M.Young); Glendale Water & Power--Water Section (S.Boghosian/R.Takidin/F.Garcia); Glendale Water & Power--Electric Section (C.Babakhanlou/ S.Boghosian / F.Garcia/ H.Barkhordian/ D.Scorza); Police Dept. (Lt.A.Krillorian/Z.Avila); Dir. Of Public Works (Y.Emrani); Engineering and Land Development (A.Avazian/ S.Oganesyanyan / M.Oillataguerre/ R. Villaluna); Integrated Waste Management Admin. (D. Hardgrove); Maintenance Services/Street and Field / Urban Forester (L.Klick / C.Linares / O. Urquidez); and case planner– and case planner Dennis Joe.