



CITY OF GLENDALE, CALIFORNIA
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division

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June 18, 2013

Blue Fish Izakaya
c/o Mr. Alen Malekian
Malekian + Associates
2255 Honolulu Avenue, Unit 1-A
Glendale, CA 91020

**RE: 2263 HONOLULU AVENUE
CONDITIONAL USE PERMIT NO. PCUP 1307027
(Blue Fish Izakaya)**

Dear Mr. Malekian:

On June 5, 2013, the Planning Hearing Officer conducted and closed a public hearing, pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.42, on your application for a Conditional Use Permit to allow the continued on-site sales, service, and consumption of beer and wine associated with the conversion of an existing fast food restaurant into a full service restaurant, located at **2263 Honolulu Avenue**, in the Commercial Retail (CR) Zone, described as Lot 62, Tract No. 1701, in the City of Glendale, County of Los Angeles.

APPLICANT'S PROPOSAL

- (1) A Conditional Use Permit to continue the on-site sales, service and consumption of beer and wine at a full service (instead of a fast food) restaurant.

CODE REQUIRES

- (1) On-site sales, service and consumption of beer and wine require a Conditional Use Permit in the "CR" Zone.

ENVIRONMENTAL RECOMMENDATION: The project is exempt from CEQA review as a Class 1 "Existing Facilities" exemption pursuant to State CEQA Guidelines Section 15301.

REQUIRED/MANDATED FINDINGS

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report by the Community Development Department staff thereon, and the statements made at the public hearing with respect to this application, the Planning Hearing Officer has **GRANTED WITH CONDITIONS** your application based on the following:

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

The proposed use will be consistent with the various elements and objectives of the general plan and North Glendale Community Plan. General Plan elements provide citywide policy

direction, with the local Community Plans providing specific neighborhood description and design guidelines. The service of beer and wine at this full service restaurant is consistent with the goals and objectives of the General Plan and the North Glendale Community Plan. Blue Fish Izakaya is located in the Commercial Retail (CR) Zone, which is intended to accommodate retail shopping and convenience services in the Montrose Shopping Park in conformance with the comprehensive General Plan. It provides pedestrian-friendly, destination shopping and dining supported by public parking lots, wide sidewalks and shade trees and draws customers from regions beyond the Crescenta Valley. Beer and wine sales are a recognized service associated with restaurants. In addition, continuation of this service would be in keeping with the goal of the North Glendale Community Plan to preserve the existing independent, small businesses.

The Circulation Element identifies Honolulu Avenue (between La Crescenta Avenue and Montrose Avenue) as an Urban Collector. The predominant land use character of the frontage property on an Urban Collector is community and regional commercial. In addition, this section of Honolulu Avenue is identified in the North Glendale Community Plan as a Pedestrian Priority Area with roadways in commercial mixed-use districts that give first priority to pedestrian amenities, and traffic calming, including wide-sidewalks, pedestrian lighting, curb extensions and signalized crosswalks. Blue Fish Izakaya is located in a pedestrian oriented area with wide sidewalks and outdoor dining.

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 use and its associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment. The Blue Fish Izakaya will not have a detrimental effect on the community. The full service restaurant has proven to be compatible with the Montrose Shopping Park businesses, and the use of the building, parking, and customer service hours will continue in the same manner. Although the Glendale Police Department (GPD) noted that this establishment is in an area that is over concentrated and has a higher than average crime rate, they stated that there have been no calls for service at this location, and that it does not appear that the restaurant contributed to the higher crime rate. A review of the prior Conditional Use Permits show that the Police Department did not have any major concerns related to this business.

The establishment is not located near known churches, public schools or colleges, or public parks in the vicinity. A multi-family residential neighborhood is located to north of the public parking lot at the rear of the property and a single-family residential neighborhood to the south of the commercial lots along Honolulu Avenue. The continued on-site sale, service and consumption of alcoholic beverages at Blue Fish Izakaya is not expected to be any more detrimental to any of these sensitive uses.

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

The use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property. This occupancy has operated as either a fast food or full service restaurant since 2005, with alcohol sales since 2008. The applicant is proposing to change from a fast food restaurant to a full service restaurant. It does not require a conditional use permit whereas a fast food restaurant does require a conditional use permit in this zone. This portion of Honolulu Avenue is developed with a variety of retail,

restaurant, and service related businesses and Blue Fish Izakaya will continue to complement them. There will be no impact to existing traffic, loading, or noise caused by the use. The permitted hours of operation are similar to other full-service restaurants in the Montrose Shopping Park with alcohol service. In addition, the Planning Division has not received any formal complaints from the nearby commercial and residential properties.

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 operate a full service restaurant rather than a fast food restaurant. This change is not anticipated to increase the need for public or private facilities. The use is located in a Pedestrian Priority Area with existing pedestrian amenities and traffic calming, including wide-sidewalks, pedestrian lighting, curb extensions and signalized crosswalks. The continuation of on-site sale, service, and the consumption of beer and wine at Blue Fish Izakaya is not anticipated to intensify traffic circulation or parking demand. City Parking Lot 3 provides sufficient parking spaces for this portion of the Montrose Shopping Park, and no changes are anticipated for the parking demand for Blue Fish Izakaya. Uses within the Montrose Shopping Park are encouraged to use shared parking as described in the North Glendale Community Plan (Area 4.5.a). Honolulu Avenue is identified as an Urban Collector, which adequately handles the existing traffic circulation around the site. The Traffic Engineer's Section did not submit concerns related to traffic circulation and parking.

REQUIRED ADDITIONAL FINDINGS OF FACT FOR A CONDITIONAL USE PERMIT (CUP) FOR ALCOHOL SALES, SERVICE AND CONSUMPTION:

E. That all the criteria set forth in Section 30.42.030 (F) to be considered in making the findings in subsection a. through d. above have all been met and thoroughly considered:

- 1) The Blue Fish Izakaya is in an area that is over concentrated with liquor licenses. Census Tract 3006 allows for seven On-Sale establishment and there are currently 33 On-Sale licenses. The Blue Fish Izakaya is one of the existing 33. While this establishment is in a statistically high crime area, there were no calls for police service at this location. The continued service, sale and consumption of beer and wine is not expected to intensify or otherwise contribute to the adverse impacts on the surrounding area caused by such over concentration.
- 2) According to the Glendale Police Department, the applicant has an active Type 41 Alcoholic Beverage License (On-Sale Beer and Wine Eating Place). Although the Glendale Police Department noted that the crime rate for Census Tract 3006 exceeds the average Part 1 crimes for the City (85 crimes – 42% above the city-wide average of 60), the Police Department noted that within the last calendar year there were no calls for service at this location and that it does not appear that Blue Fish Izakaya contributes to the higher crime rate. The Neighborhood Services Division has no open code enforcement cases on the property. The Glendale Police Department submitted comments that included recommended conditions that have been incorporated in the Conditional Use Permit (CUP) approval.
- 3) Blue Fish Izakaya is located in the Montrose Shopping Park, which is designated as a regional shopping area. The majority of the area surrounding the subject site is

developed with similar or more intensive land uses as the subject project. In addition, this section of Honolulu Avenue is identified in the North Glendale Community Plan as a Pedestrian Priority Area with first priority given to pedestrian amenities and traffic calming, including wide-sidewalks, pedestrian lighting, curb extensions and signalized crosswalks. The City promotes "walkability" and these features provide a service for nearby residents. The restaurant contributes to the goals of the North Glendale Community Plan.

- 4) The use is located in a Pedestrian Priority Area with existing pedestrian amenities and traffic calming, including wide-sidewalks, pedestrian lighting, curb extensions and signalized crosswalks. The continuation of on-site sale, service, and the consumption of beer and wine at the Blue Fish Izakaya is not anticipated to intensify traffic circulation or parking demand. City Parking Lot 3 (and other shared City Parking lots) provides sufficient parking spaces for this portion of the Montrose Shopping Park, and no changes are anticipated for the parking demand for Blue Fish Izakaya. Uses within the Montrose Shopping Park are encouraged to use shared parking as described in the North Glendale Community Plan (Area 4.5.a). Honolulu Avenue is identified as an Urban Collector, which adequately handles the existing traffic circulation around the site. The Traffic Engineer's Section did not submit concerns related to traffic circulation and parking.
- 5) Compatibility of land uses is important to fostering a productive and thriving community. The continued service of beer and wine at the proposed full service restaurant serves a public convenience because it serves local residents and businesses. Conditions placed on the approval of the project will ensure that it will not adversely impact nearby businesses and residential uses.

SUMMARY OF PLANNING HEARING OFFICER'S DECISION

The Planning Hearing Officer was able to make all four required findings in favor of the application and was able to justify approval of the case based on the criteria required for alcohol-related cases in Sub-Section 30.42.030(F), Glendale Municipal Code. Restaurant uses exist and have existed in this area. The continued sale, service and consumption of beer and wine at the full-service restaurant will not require any new city services, is not anticipated to harm public safety and welfare, and is not in conflict with existing or anticipated surrounding land uses. The conditions attached to the approval will control the use in a manner necessary to allow the use to properly fit into the specific location.

CONDITIONS OF APPROVAL

APPROVAL of this Conditional Use Permit shall be subject to the following conditions:

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 Planning Hearing Officer.
2. That all necessary licenses as required from Federal, State, County or City authorities including the City Clerk shall be obtained and kept current at all times.
3. That access to the premises shall be made available upon request to all City of Glendale authorized staff (i.e. Community Development Department, Fire Department,

Police Department, etc.) for the purpose of verifying compliance with all laws and the conditions of this approval.

4. That the service of alcoholic beverages shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control.
5. That no separate bar shall be installed on the premises.
6. That the hours of operation shall be limited to 10:30 a.m. to 12:00 a.m. (midnight).
7. That only beer and wine shall be served for consumption on the premises only and only in conjunction with the consumption of food.
8. That the restaurant shall remain open to the public during business hours.
9. That no exterior signs advertising the sales/service of alcoholic beverages are permitted, and banners shall be prohibited.
10. That the premises be maintained in a clean orderly condition free of weeds, trash, and graffiti, and that graffiti shall be removed in a timely manner.
11. That no live entertainment or dancing shall be allowed.
12. That all music, lighting, noise and odors shall be confined to the occupancy so as not to disturb occupants of other adjacent businesses or properties and patrons on the public right-of-way. The Planning Hearing Officer's opinion shall prevail to arbitrate any conflicts.
13. That the facilities shall not be rented, leased or otherwise occupied for purposes not specified.
14. That any expansion or modification of the facility or use which intensifies the existing Conditional Use Permit shall require a new Conditional 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.
15. That the full service restaurant adheres to the City's Fresh Air (smoking) Ordinance.
16. That a new zoning use certificate (ZUC) shall be obtained to reflect the new conditional use permit conditions for the full-service restaurant and expiration date.
17. That the authorization granted herein shall be valid for a period of **ten (10) years, until July 5, 2023**, at which time, a reapplication must be made.

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

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 Building and Safety Division upon request and must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **July 3, 2013**, in the Building and Safety Division, 633 East Broadway, Room 101.

APPEAL FORMS available on-line:

<http://www.ci.glendale.ca.us/planning/SubmittingAProject.asp>

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.

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 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 30.41 PROVIDES FOR

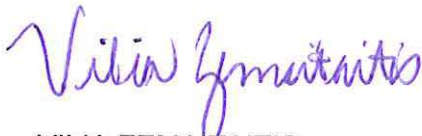
TERMINATION: Every right or privilege authorized by a conditional use permit shall terminate two (2) years after the granting of such, unless the exercise of such right or privilege has commenced in good faith prior to such time, except as otherwise provided for.

EXTENSION: An extension of the conditional 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 conditional 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 who acted on this case. This would include clarification and 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.

Sincerely,



VILIA ZEMAITAITIS
Planning Hearing Officer

VZ:sm

cc: City Clerk; City Attorney's Dept. (G. van Muyden/M.Yun); Fire Prevention Engineering Section-(D.Nickles); Community Development Dept. (P.Lanzafame/H.Malis); City Engineer; Dir. of Public Works Dept.; Water Section (R.Takidin/G.Tom); Electric Section (M.Kelley/M.Jackson); Dir. of Parks, Recreation and Community Services Dept.(M.Stirdivant); Neighborhood Services Admin. (John Brownell); Integrated Waste Management Admin. (D.Hartwell/T.Brady); Maintenance Services Section Admin. (D.Hardgrove); Street and Field Services Admin.; Environmental Management (M.Oillataguerra); Traffic & Transportation Admin. (Wayne Ko); Alen Malekian - applicant; & case planner - Kathy Duarte.