



City of Glendale Community  
Development Planning &  
Neighborhood Services

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February 16, 2017

Janelle Williams  
Williams Land Use  
2418 Honolulu Avenue, Unit 8  
Montrose, CA 91020

**RE: 1121 NORTH PACIFIC AVENUE  
ADMINISTRATIVE USE PERMIT CASE NO. PAUP 1628874  
(Hong Kong Kitchen)**

Dear Ms. Williams:

Pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.49, the Community Development Department processed your application for an Administrative Use Permit (AUP) to allow the on-site sales, service and consumption of beer and wine at an existing full-service restaurant (Hong Kong Kitchen), located at **1121 North Pacific Avenue**, in the "C1"- Neighborhood Commercial Zone, described as Portion of Lot 3, Tract No. 4537 in the City of Glendale, in the County of Los Angeles.

#### CODE REQUIRES

##### Administrative Use Permit

- 1) The on-site sales, service and consumption of beer and wine requires an administrative use permit in the C1 Zone.

#### APPLICANT'S PROPOSAL

##### Administrative Use Permit

- 1) An Administrative Use Permit for the on-site sales, service, and consumption of beer and wine (Type 41) at an existing full-service restaurant (Hong Kong Kitchen).

#### ENVIRONMENTAL DETERMINATION

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

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 FINDINGS**

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**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 (AUP) to allow on-site sales, service and consumption of beer and wine for an existing full-service restaurant (Hong Kong Kitchen). The zoning land use designation for the subject site is C1 (Neighborhood Commercial), and the General Plan Land Use Element designation is Commercial- Neighborhood. The purpose of the C1 zone is intended for small shopping centers, professional buildings, service centers and other commercial activities providing convenience goods and services to the surrounding residential neighborhood.

The subject site is bounded by residences to the west, general commercial to the south across Palm Drive, commercial strip malls to the east across North Pacific Avenue and general commercial (dance studio, personal services and medical/dental) to the north. The service of beer and wine in conjunction with a meal at a bona fide full-service restaurant is appropriate for subject location, as it complements the neighborhood commercial activity along North Pacific Avenue, as well as provides a convenience for the sales, service and consumption of beer and wine to the surrounding residential neighborhoods. Since the administrative use permit application only involves the sales, service and consumption of alcoholic beverages at a full-service restaurant, 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.

**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 added service of on-site sales, service and consumption of beer and wine for an existing full-service restaurant will not be detrimental to the safety and public welfare of the neighborhood in general. Hong Kong Kitchen is located in census tract 3012.06, where five on-sale establishments is the recommended limit. There are currently two on-sale establishments in this tract and Hong Kong Kitchen would be the third on-sale establishment. Based on Part 1 crime statistics for this census tract, there were 69 crimes, 61 percent below the citywide average of 178. Within the last calendar year there were no calls for police service at this location. Identified within an approximate 1,000 foot radius of the project site are First German United Methodist Church, Bonnie Academy (preschool) and Glenoaks Convalescent Hospital. It is not anticipated the applicant's request will impact these sites because the on-site sales, service and consumption of beer and wine will only be served in conjunction with a meal, and sales will not be for off-site consumption. The Glendale Police Department did not cite concern regarding this proposal.

**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 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. Surrounding the property to the west are single-family and multi-family residences, general commercial establishments to the south and east, and general commercial (personal services) to the north. The project will not impede normal development of the surrounding properties because the area is fully developed. The recommended conditions will ensure the ancillary service of beer and wine will not conflict with any nearby uses. Therefore, the proposal for incidental serving of beer and wine is not anticipated to cause any conflicts with surrounding development 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 and traffic circulation measures are provided at the subject site. Hong Kong Kitchen is located in a 1,430 square-foot tenant space within an existing one-story, multi-tenant commercial building constructed in 1965. Utilities for water, electricity, sewer and trash are currently provided for the existing full-service restaurant. The subject commercial building was constructed in 1965 without any on-site parking spaces or landscaping. The applicant's request is not expected to create a negative parking or traffic related impact, as it is not anticipated the on-site sales, service and consumption of beer and wine in conjunction with a meal will significantly increase the amount of patrons at the full-service restaurant. While the subject lot was constructed in 1965 without landscaping, there are no areas on the lot that additional landscaping could be added that will improve the area or add extra benefit to the neighborhood.

**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 Band 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, alcoholic beverage sales, service and on-site consumption serves a public convenience for the area. The applicant's request for the on-site sales, service and consumption of beer and wine at an existing full-service restaurant serves 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 business and residential uses.

#### **CONDITIONS OF APPROVAL**

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**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 Section 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 the facilities shall not be rented, leased or otherwise occupied for purposes not specified in this application.
5. 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.

6. That no exterior signs advertising the sales/service of beer and wine be permitted.
7. That the on-site sales, service and consumption of beer and wine at the restaurant shall be incidental to the selling of food.
8. That there shall be no public dancing or live entertainment allowed on the premises without further review of the existing Administrative Use Permit by the Director of Community Development.
9. That all music, lighting, noise and odors shall be confined to the occupancy so as not to disturb occupants of other businesses, adjacent properties and patrons on the public right-of-way.
10. 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.
11. 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.
12. That no alcoholic beverages shall be sold to be taken from the premises by patrons for off-site consumption.
13. That there shall be no bar or lounge area upon the premises maintained solely for the purpose of sales, service or consumption of alcoholic beverages by patrons.
14. 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.
15. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.
16. 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.
17. That adequate means shall be provided for the collection of solid waste generated at the site and that all recyclable items shall be collected and properly disposed of to the satisfaction of the Integrated Waste Management Administrator of the City of Glendale. No trash containers shall be stored in any parking, driveway, or landscaping area.

18. That the premises shall be operated in full accord with applicable State, County, and local laws.
19. 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 conditions of this approval.
20. That the restaurant adhere to the City's Fresh Air Ordinance, Title 15, Chapter 8.52 of the Glendale Municipal Code.
21. That authorization granted herein shall be valid for a period of **SEVEN (7) YEARS UNTIL FEBRUARY 16, 2024.**

#### **APPEAL PERIOD**

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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 (COD) upon request and must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **March 3, 2017**, at the Permit Services Center (PSC), 633 East Broadway, Room 101, Monday thru Friday 7:00 am to 12:00 pm, or at the Community Development Department (COD), 633 East Broadway, Room 103, Monday thru Friday 12:00 pm to 5 pm.

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

#### **TRANSFERABILITY**

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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**

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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**

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Section 30.16.610 of the Glendale Municipal Code, 1995, provides for the Director of Community Development to have continuing jurisdiction over any Administrative Use Permit which is or has been granted and may revoke any Administrative Use Permit in whole or in part at any time for failure to comply with any condition or requirement imposed at the time of approval.

### **GMC CHAPTER 30.4 PROVIDES FOR**

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#### 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

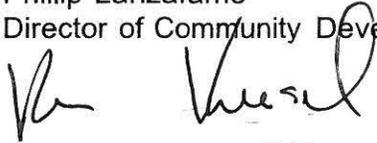
An Administrative Use Permit may be terminated by the review authority upon any interruption or cessation of the use permitted by the Administrative Use Permit for one year or more in the continuous exercise in good faith of such right and privilege.

**NOTICE – subsequent contacts with this office**

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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 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,  
Phillip Lanzafame  
Director of Community Development



Planning Hearing Officer

EK:BC:KA:DJ:sm

CC: City Clerk (K.Cruz); Police Dept. (S.Bickle/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section- (J.Halpert); Traffic & Transportation Section (W. Ko/S. Vartanian); General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (G. Tom/S. Boghosian); Glendale Water & Power--Electric Section (V. Avedian/B. Ortiz); Parks, Recreation and Community Services Dept. (T. Aleksanian); Neighborhood Services Division (S. Mirzaians); 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 Dennis Joe.