



CITY OF GLENDALE, CALIFORNIA

Community Development
Planning

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glendaleca.gov

October 9, 2019

Kevin Franklin
(Yong Ho Kim)
2270 Honolulu Avenue
Montrose, CA 91020

**RE: 2270 HONOLULU AVENUE
ADMINISTRATIVE USE PERMIT NO. PAUP1909446
(Sake Restaurant)**

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 to allow the continued on-site sales, service, and consumption of beer and wine at an existing full service restaurant with an Alcoholic Beverage Control (ABC) Type 41 license in the "CR" - (Commercial Retail) Zone, located at **2270 Honolulu Avenue**, described as a Lot 47 and a Portion of Lot 48, Tract No. 1701 (APN: 5615-001-008) in the City of Glendale, County of Los Angeles.

CODE REQUIRES

(1) Alcohol beverage sales require an Administrative Use Permit in the "CR" - (Commercial Retail) Zone.

APPLICANT'S PROPOSAL

(1) To allow the continued on-site sales, service, and consumption of beer and wine (Alcoholic Beverage Control Type 41 license) at the existing full-service restaurant (Sake 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 it involves negligible or no expansion of the existing use beyond its current existing conditions.

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 applicant is requesting approval of an Administrative Use Permit to allow the continued sales, service, and on-site consumption of beer and wine at the existing full service restaurant with an Alcoholic Beverage Control (ABC) Type 41 license. The project site is located within a CR (Commercial Retail) Zone. This zone is intended to accommodate retail shopping and convenience services in the Montrose Shopping Park. The General Plan calls for flexibility in the range and type of services provided in this zone. The on-site sales, service, and consumption of beer and wine at the existing restaurant will be an ancillary use to its primary operation as a full service restaurant. This augmented range of services provided at this establishment will serve a public necessity or convenience for the area. The proposed continued use is consistent with the nine Elements of the City's General Plan: Land Use, Housing, Circulation, Historic Preservation, Open Space, Conservation, Recreation, Noise, Safety and Air Quality.

Land Use – The project site is located within a CR (Commercial Retail) Zone. This zone is intended to accommodate retail shopping and convenience services in the Montrose Shopping Park. The General Plan calls for flexibility in the range and type of services provided in this zone. The on-site sales, service, and consumption of beer and wine at the existing restaurant will be ancillary to the primary use—full service restaurant. This augmented range of services provided at this establishment (Sake Restaurant) will serve a public necessity or convenience for the area. Therefore, it is consistent with the Land Use Element of the General Plan.

Housing – The project does not feature a housing component, and the existing commercial building has been constructed to comply with all applicable Building & Fire Code Standards (at the time of construction). Therefore, it is consistent with this Element.

Circulation – The Circulation Element designates Honolulu Avenue from La Crescenta Avenue to Montrose Avenue as an urban collector. The predominant use and character of frontage for this urban collector street includes commercial, industrial, and multi-family residential uses, and distributes traffic to the major and minor arterial street system. The applicant's request for an Administrative Use Permit requesting to continue the on-site sales, service, and consumption of beer and wine at the existing restaurant is not anticipated to intensify parking demand and will not require any changes to traffic circulation—the use is appropriate for this street type. Therefore, it is consistent with this Element.

Historic Preservation – The project site is not located within or adjacent to a historic district, and the existing buildings on-site are not of historic significance. Therefore, it is consistent with this Element.

Open Space and Conservation –The project site is not located within or adjacent to any open space or natural resource. The proposed use being evaluated under this application does not directly pertain to the subject of resource conservation. Therefore, it is consistent with this Element.

Recreation – The project site is not identified as parkland by the Recreation Element. Therefore, it is consistent with this Element.

Noise – The proposal is consistent with the Noise Element because the use will be fully conducted within the existing building and is not anticipated to result in any noise impacts. Conditions of approval have been included in the to ensure compliance with all state and local laws and ordinances concerning excessive noise and disturbing the peace. Therefore, it is consistent with this Element.

Safety – The Safety Element calls for ongoing management of local crime by the Police Department. According to the Glendale Police Department, the subject property is located in Census Tract census tract 3006.00, where the suggested limit for on-sale alcohol establishments is eight. Currently, there are 32 on-sale establishments in this tract, which includes Sake Restaurant. Based on arrests and Part 1 crime statistics for census tract 3006.00 for 2018, there were 182 crimes, 9% above the city wide average of 167. This census tract is bordered by North Verdugo Road to the east, La Crescenta and Pennsylvania Avenues to the west, and to the north-east, it is bordered by Montrose, Rosemont, and Honolulu Avenues, and Florencita Drive. While this area has more crime than in many other areas of the city, it has a high concentration of commercial establishments and multifamily residential uses, which tend to have a higher crime rate. Within the last calendar year there were two calls for police service at the location (for theft and fraud). Typically full service restaurants serving alcohol do not contribute significantly to a crime problem. The Police Department suggested conditions that have been included in the staff recommendation to ensure there are no negative impacts to the public health, safety, and general welfare. Therefore, it is consistent with this Element.

Air Quality – The sale of beer and wine for on-site sales, service, and consumption is not a source of or contributor to air pollution. Therefore, it is consistent with this Element.

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 is not anticipated to be detrimental to the public health or safety and general public welfare of the neighborhood in general. The proposal

has been reviewed by the Police Department and the Neighborhood Services Division, Building & Safety, and Planning within the Community Development Department to identify potential negative impacts of the project on the public health, safety, general welfare, and the environment. As more fully described in Finding A, the project is not a likely source of harmful environmental, noise, or safety impacts to the community. According to the Glendale Police Department, the subject property is located in Census Tract census tract 3006.00, where the suggested limit for on-sale alcohol establishments is eight. Currently, there are 32 on-sale establishments in this tract, which includes Sake Restaurant. Based on arrests and Part 1 crime statistics for census tract 3006.00 for 2018, there were 182 crimes, 9% above the city wide average of 167. This census tract is bordered by North Verdugo Road to the east, La Crescenta and Pennsylvania Avenues to the west, and to the north-east, it is bordered by Montrose, Rosemont, and Honolulu Avenues, and Florencita Drive. While this area has more crime than in many other areas of the city, it has a high concentration of commercial establishments and multifamily residential uses, which tend to have a higher crime rate. Within the last calendar year there were two calls for police service at the location (for theft and fraud). Typically full service restaurants serving alcohol do not contribute significantly to a crime problem. Neither the Police Department nor Neighborhood Services Division cited concerns related to this project. The Police Department has suggested conditions that have been included in the staff recommendation to ensure there are no negative impacts to the public health, safety, and general welfare.

In addition, no public facilities are located in the immediate area. The closest public facilities include the Montrose-Crescenta Library 0.3 mile west of the subject site. The closest schools are private and include Armenian Sisters Academy located 0.3 mile north-east, and Valley Vista Preschool located 0.4 mile north-west of the subject site. Christian Science Church is located 0.3 mile west, Light on the Corner Church is located 0.3 mile east, and Montrose Church is located 0.4 mile north-west of the project site. Conditions include measures to help prevent any such potential impacts on the community from this project. Given these facts, the use and its associated structures and facilities will not be detrimental to the public health or safety, the 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 continued on-site sales, service, and consumption of beer and wine at the existing full service restaurant will be ancillary to the primary restaurant use and will not conflict with the adjacent land uses or impede the normal development of the surrounding property. Along Honolulu Avenue, the properties feature low-scale commercial buildings (primarily retail) and are zoned CR (Commercial Retail); the property north of the subject site along Florencita Avenue includes multifamily residential uses. Sake Restaurant has been operating at the subject address for at least 9 years when a Zoning Use Certificate was issued on February 5, 2010 to allow its operation. Furthermore, multiple establishments along Honolulu Avenue have sold alcoholic beverages with Conditional and Administrative Use Permits without major incident. The closest public facilities include the Montrose-Crescenta

Library located 0.3 mile west of the subject site. The closest schools are private and include Armenian Sisters Academy located 0.3 mile north-east, and Valley Vista Preschool located 0.4 mile north-west of the subject site. Christian Science Church is located 0.3 mile west, Light on the Corner Church is located 0.3 mile east, and Montrose Church is located 0.4 mile north-west of the project site. Given that these facilities and uses are not adjacent to the subject site, it is not anticipated that the applicant's request will impede their existing operations.

Multifamily residential uses exist north of the subject site, and some are also under the jurisdiction of Los Angeles County. However, the location and orientation of the subject tenant space face Honolulu Avenue; therefore, approval of the administrative use permit will not adversely impact these residential uses nor impede the development of surrounding properties. Overall, the Glendale Police Department did not cite major concerns regarding this proposal.

The proposal will not conflict with or negatively impact adjacent residential or commercial uses. Conditions include measures to help mitigate any potential negative impacts on the community associated with the restaurant's sales, service, and on-site consumption of beer and wine at this establishment. Given these facts, the use and its associated structures and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of the surrounding property. The applicant's request to allow the sale of beer and wine for on-site consumption at the existing restaurant can be supported based on the facts surrounding this application and the findings.

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.

This proposed project does not include any new floor area or modifications to the existing site. Adequate public and private facilities, such as utilities, landscaping, parking spaces, and circulation are provided for the use and are existing. Associated utilities exist within the public right-of-way and are adequate to facilitate services to the site. The request is not anticipated to intensify parking demand, as it is ancillary to the primary use. There is on-street parking along Honolulu Avenue, and a public parking lot located south of the subject site, across the alley. Therefore, the request will not require any new city services, or changes to landscaping, parking, or traffic circulation.

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 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, 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 on-site sales, service, and consumption of beer and wine, at the existing restaurant does not or will not tend to encourage or intensify crime within this reporting district as noted in the "Safety" section of Finding A, and 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 the "Safety" section of Finding A, based on arrests and Part 1 crime statistics for census tract 3006.00 for 2018, there were 182 crimes, 9% above the city wide average of 167. Within the last calendar year there were two calls for police service at the location (theft and fraud). No evidence has been presented that would indicate that the on-site sales, service, and consumption of beer and wine at the existing restaurant would encourage or intensify crime within the area. Suggested conditions from the Police Department have been incorporated into the staff recommendations to ensure any potential negative impacts will be appropriately mitigated.

- 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, no public facilities are located in the immediate area. The closest public facilities include the Montrose-Crescenta Library and a City Fire Department Station (No. 29), both are located on the same site 0.3 mile north-west of the subject site. The closest schools are private and include Armenian Sisters Academy located 0.3 mile north-east, and Valley Vista Preschool located 0.4 mile north-west of the subject site. Christian Science Church is located 0.3 mile west, Light on the Corner Church is located 0.3 mile east, and Montrose Church is located 0.4 mile north-west of the project site. As noted in finding C, multifamily residential uses exist north of the subject site, and some are also under the jurisdiction of Los Angeles County. However, the nature of the proposed use will not impede the existing operations of the neighboring uses. Conditions of approval have been incorporated into the staff recommendations to ensure that any potential negative impacts on surrounding uses will be appropriately mitigated.

- 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.**

The applicant's request for an Administrative Use Permit to conduct the on-site sales, service, and consumption of beer and wine at the existing restaurant is not anticipated to intensify parking demand, as it is ancillary to the primary use. There is on-street parking along Honolulu Avenue and a public parking lot located south of the subject site, across the alley. Furthermore, Honolulu Avenue is classified as an urban collector meant for the distribution of traffic to the major and minor arterial street system—therefore, the applicant's request is not anticipated to intensify parking demand and will not require any changes to traffic circulation.

- 5) **That, notwithstanding consideration of the criteria in subsections 1 through 4 above, alcoholic beverage sales, service, and on-site consumption does serve a public convenience for the area.**

The applicant's request for an Administrative Use Permit to allow the continued sales, service, and on-site consumption of beer and wine as an ancillary use is consistent with the land use promoted in CR (Commercial Retail) Zones. This zone offers a full range of goods and services to the community located along commercial thoroughfares within the City. The General Plan calls for flexibility in the range and type of services provided in this zone. The proposal will augment the range of services provided at this establishment and will serve a public necessity or convenience for the area. Conditions placed on the approval of the project will ensure 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 Planning Hearing Officer.
2. That all necessary licenses as required from Federal, the State Alcohol Beverage Control, County or City authorities including the City Clerk shall be obtained and kept current at all times.
3. The restaurant shall remain open to the public during business hours.
4. That a sidewalk dining permit shall be obtained from the Public Works Department for outdoor dining/seating located in the public right-of-way.

5. 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.
6. 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.
7. That an establishment 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.
8. That the Manager and or Staff should be proactive in the enforcement of the City of Glendale Clean Air Act.
9. That music or noise shall be contained within the building. The business shall comply with all state and local laws and ordinances concerning excessive noise and disturbing the peace.
10. That sufficient measures shall be enforced to effectively eliminate interior and exterior loitering, parking congestions, disturbing noise, disturbing light, loud conversations and criminal activities. Restaurant staff will monitor the parking areas when the business is open.
11. That any proposed exterior lighting shall be directed on the driveway, walkways, and parking areas within the development and away from adjacent properties and the public right-of-way to the satisfaction of the Planning Hearing Officer.
12. That the parking areas shall be illuminated for security purposes during all hours of darkness. Lighting fixtures shall be installed and maintained in the parking areas where street lights do not effectively illuminate the premises. No lighting shall reflect onto adjacent properties.
13. 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.
14. 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.
15. That all music, lighting, noise and odors shall be confined to the occupancy so as not to disturb occupants of other businesses or properties and patrons on the public right-of-way.

16. The applicant will provide all current and future employees with training designated to help them recognize obviously intoxicated or underage patrons (The state Alcohol Beverage Control Department is able to assist with this training).
17. That all signs displayed shall conform to the requirements of the Glendale Municipal Code.
18. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.
19. That adequate means be provided for the collection of solid waste generated at the site and that all recyclable items be collected and properly disposed of to the satisfaction of the Integrated Waste Management Administrator. That no trash containers shall be stored in any parking, driveway or landscaping area.
20. 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 changes as determined by the Planning Hearing Officer.
21. That the premises shall be operated in full accord with applicable State, County, and local laws.
22. That service of beer and wine shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control.
23. That no exterior signs advertising the sales/service of alcoholic beverages shall be permitted.
24. There shall be no video machine(s) maintained upon the premises.
25. That access to the premises shall be made available upon request to all City of Glendale authorized staff (i.e. Community Development Department, Planning Division, Neighborhood Services Section, Building and Safety Division, Fire Department, Police Department, etc.) for the purpose of verifying compliance with all laws and the conditions of this approval.
26. That at all times when the premises are open for business, the services of any beer and wine shall be made only in the areas designated with an ABC license. Consumption of alcoholic beverages will only be in those same licensed areas.
27. That the restaurant shall not operate as a banquet hall. A full service restaurant may not have greater than 30% of service area available for private party rental where access by the general public is restricted provide that all events comply with the provisions of the applicant's Alcoholic Beverage Control license, and

provided they have appropriate conditional use permits and use variances if required.

28. That no patrons of the restaurant shall be allowed to bring into the establishment any alcoholic beverage that was purchased from outside of the restaurant, unless there is an established corkage policy allowing and regulating this.

29. *That authorization granted herein shall be valid for a period of **TEN (10) YEARS UNTIL OCTOBER 9, 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 **October 24, 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, Betty Barberena at (818) 937-8162 or bbarberena@glendaleca.gov.

Sincerely,
Philip Lanzafame
Director of Community Development



Bradley Collin
Planning Hearing Officer

BC:BB:sm

CC: City Clerk (K.Cruz); Police Dept. (A.Jenks/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. Hardgrove/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 – Betty Barberena.