glendale california

City of Glendale
Community Development
Planning & Neighborhood Services

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April 23, 2015

Moto Sushi Restaurant
Julia Lee
The Code Solution
672 South Lafayette Park Place, No. 42
Los Angeles, CA 90057

RE: 1120 NORTH PACIFIC AVENUE - UNIT #1
ADMINISTRATIVE USE PERMIT CASE NO. PAUP 1502578
(Moto Sushi Restaurant)

Dear Ms. Lee:

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 sales, service, and on-site consumption of beer and wine at an existing full service restaurant in the "C1" – Neighborhood Commercial Zone, located at **1120 North Pacific Avenue - Unit #1,** described as Lot 63, 64, and (ex of sts) Lot 65, Tract No. 726, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

(1) The sales, service and on-site consumption of beer and wine requires an Administrative Use Permit in the C1 – Neighborhood Commercial Zone.

APPLICANT'S PROPOSAL

(1) To allow on-site sales, service, and consumption of beer and wine (Type 41) at an existing full service restaurant.

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 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 WITH CONDITIONS** 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 zoned C1 (Neighborhood Service) and within the Neighborhood Commercial designation of the Land Use Element of the General Plan. The Circulation Element designates North Pacific Avenue as a Minor Arterial thoroughfare and Palm Drive as a Community Collector street. These streets are fully improved thoroughfares serving a multitude of businesses and residential developments. Moto Sushi Restaurant is located in a commercial building alongside other commercial/service type businesses.

A full-service restaurant is a permitted use in this zone; however, on-site consumption of alcoholic beverages requires an approved administrative use permit. The consumption of alcoholic beverages with meals is incidental to the restaurant operation. No private or public improvements are required.

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.

Moto Sushi Restaurant has been in operation at 1120 North Pacific Avenue – Unit #1, since December 2014. Glendale Police Department has reviewed the request to serve alcoholic beverages and has recommended appropriate conditions to further safeguard the health, safety, and general welfare of the public. Within the last calendar year, there were no calls for service to this location. Similarly, no complaints have been filed by the public concerning this operation.

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

Moto Sushi Restaurant is located within a commercial district and surrounded by complementary uses. The restaurant's request to serve alcoholic beverages will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property, since it would not change the land use designation of the existing establishment. The focus of the operation continues to be a full service restaurant. In this regard, the service of alcoholic beverages is an enhancement to the dining experience. The consumption of alcoholic beverages at the existing restaurant has not proven to be problematic.

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.

Moto Sushi Restaurant is located within a one-story building within a commercial center. The building was completed in 1988 in compliance with the zoning code that was in place during that time. A restaurant has been in operation within this tenant space since 2013. The property is fully improved with all necessary utilities. North Pacific Avenue is considered a Minor Arterial and West Palm Drive as a Community Collector street and both are fully improved thoroughfares serving a multitude of businesses and residential developments. The service of alcoholic beverages at an existing restaurant is not anticipated to generate additional traffic over the existing condition since this is not a change in land use.

The property is legal nonconforming in terms of parking and landscaping. The existing on-site parking has proven to be sufficient for the restaurant and has not resulted in conflicts with nearby businesses or residential development. There is no record of complaints from the general public and no concern has been expressed by the Traffic and Transportation Section or Code Enforcement.

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 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 sale of beer and wine incidental to food service at the existing restaurant site does not, or will not, tend to encourage or intensify crime within this reporting district as noted in Finding B above.

2) That where the existing use is located in a crime reporting district with a crime rate which is below 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 because conditions have been included in

the approval of this application to ensure that any potential negative impacts will be appropriately mitigated. As noted in Finding B above, no evidence has been presented that would indicate that the on-site sales, service and consumption of beer and wine at the subject site would 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 (church, public or private school or college, day care facility, public park, library, hospital or residential use). The applicant's request will not impede the operation of such uses since they are not directly adjacent to the restaurant.

4) That adequate parking and loading facilities are or will be provided for the existing use or other reasonable alternatives satisfy the transportation and parking needs of the existing or proposed use. As noted in Findings C. and D. above the applicant's request is not anticipated to increase the need for public or private facilities. The ancillary service of beer and wine at the "Moto Sushi" restaurant 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 on-site consumption does serve a public convenience for the area. The applicant's request for the on-site sales, service and consumption of beer and wine at a full service restaurant 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 <u>except</u> 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 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 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 the mezzanine area shall be used for storage or office use for the subject restaurant and shall not be used for dining purposes.

6. That no speaker systems shall be installed outside the building.

7. That the parking area shall be kept adequately illuminated for security purposes during all hours of darkness. No lighting shall be installed or maintained that shines or reflects onto adjacent properties.

8. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.

9. That all signs displayed shall conform to the requirements of the Glendale Municipal Code.

10. That noise shall be contained to the site, such that persons of normal sensitivity off-site are not disturbed.

11. That there shall be no dancing at any time on the premises.

12. That no alcoholic beverages shall be sold to be taken from the premises by patrons for off-site consumption.

13. That no patrons of the restaurant shall be allowed to bring into the establishment any alcoholic beverages that was purchased from outside of the establishment, unless the facility has an established corkage policy allowing and regulating such.

14. That the restaurant shall remain open to the public during business hours.

15. That the front doors to the restaurant shall be kept closed at all times while the location is open for business, except in case of emergency.

16. That the sales, service, or consumption of alcoholic beverages shall be permitted only between the hours of 11:00 a.m. to 11:00 p.m. daily.

17. That there shall be no video machine(s) maintained on the premises.

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 Divisions, Police Department, and Fire Department staff upon request for the purpose of verifying compliance with all laws and conditions of this approval.

20. That no exterior signs advertising the service of alcoholic beverages shall be permitted.

21. 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.

22. That the following types of live entertainment shall be prohibited: karaoke, bikini activities or events, lingerie activities or events, swimwear activities or events, or any similar activities or events where partial clothing of male or female entertainment is provided. Any other type of Live Entertainment shall be subject to a "Live Entertainment Permit".

23. 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.

24. That any expansion of the facility in service, amenity, and square footage requires a new administrative use permit.

25. 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.

26. That authorization granted herein shall be valid for a period of **10 YEARS UNTIL *APRIL 23, 2025.***

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 City Council 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 **May 8, 2015,** 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

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 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 30.4 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.

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

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) 548-3210 or bcollin@glendaleca.gov

Sincerely,

HASSAN HAGHANI
Director of Community Development

Bradley Collin
Senior Planner

HH:BC: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-(D.Nickles); Dir. of Public Works (R. Golanian); Traffic & Transportation Section (W.Ko/S.Vartanian); General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (R.Takidin/G.Tom/S.Boghosian); Glendale Water & Power--Electric Section (V.Avedian/B.Ortiz/E.Olsen); Dir. Parks, Recreation and Community Services Dept. (J.Duran); Neighborhood Services Division (A.Jimenez); Integrated Waste Management Admin. (D.Hartwell); Maintenance Services Section Admin. (D.Hardgrove); Street and Field Services Admin.; Environmental Management (M.Oillataguerra);and case planner – Bradley Collin.