glendale california

City of Glendale
Community Development
Planning & Neighborhood Services

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March 3, 2016

Sam (Mansoo) Park
Sakura Ichi
3630 Foothill Blvd.
Glendale, CA 91214

RE: 3630 FOOTHILL BOULEVARD
ADMINISTRATIVE USE PERMIT CASE NO. PAUP 1527918
(Sakura Ichi)

Dear Mr. Park:

Pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.49, the Director of Community Development **APPROVED WITH CONDITIONS** your application for an Administrative Use Permit to allow the on-site sales, service and consumption of beer and wine at a full-service restaurant located at **3630 Foothill Boulevard**, in the "CH" - Commercial Hillside Zone, described as Portion of Lot 26, Licensed Surveyor's Map. L.S. 14-27-28, in the City of Glendale, in the 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 CH Zone.

APPLICANT'S PROPOSAL

(1) To allow the on-site sales, service, and consumption of beer and wine (Type 41) at a 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.

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 applicant is requesting approval of an Administrative Use Permit (AUP) to allow on-site sales, service and consumption of beer and wine for a full-service restaurant (Sakura Ichi). The zoning land use designation for the subject site is CH (Commercial Hillside) Zone and the General Plan Land Use Element designation is Commercial – Community/Services. These designations are designed to facilitate a full range of goods and services to the community located along commercial thoroughfares in hillside areas within the city. The sales of alcoholic beverages for off-site consumption is appropriate for subject location, as it complements commercial activity on Foothill Boulevard, and provides a public convenience to local residents, businesses and the surrounding community the option to be served beer and wine with their meal at a full service restaurant.

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 a full service restaurant will not be detrimental to the safety and public welfare of the neighborhood. Sakura Ichi is located in Census Tract 3004, where five on-sale establishments is the recommended limit. There are currently three on-sale establishments in this tract, which Sakura Ichi is one of the existing three on-sale establishments. Based on Part 1 crime statistics for this census tract, there were 67 crimes, 61 percent below the citywide average of 173. Within the last calendar year there was one call for police service at this location for a security alarm. The single service call to the Police Department was not related to the on-sales, service and consumption of beer and wine, and did not result in a police report being taken.

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 located at the project site has existed for several decades without any recent issues on record. Identified within an approximate 1,000 foot radius of the project site are St. James Elementary School, Dunsmore Park and VRIM Presbytrian Church. Immediately abutting to the south, are existing single-family residences. Impacts to the identified single-family residences are believed to be marginal, as a restaurant use has operated at the subject site for the past three decade and is buffered by a parking lot with a depth of approximately 25 feet. As a result, it is not anticipated the applicant's request will adversely affect or conflict with adjacent uses or impede the normal development of surrounding property.

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 loading, setback, utilities, landscaping, and traffic circulation measures are already provided. The applicant's request is to allow on-site sales, service and consumption of beer and wine at a full service restaurant, and does not propose modifications to the site or additional floor area. Parking requirement for the change of use from counter service restaurant (Sushi USA) to full service restaurant (Sakura Ichi) is satisfied, as the Zoning Code allows flexibility for specific uses listed within code section 30.32.030 C that are under a total of 2,000 square feet in the CH Zone to be interchanged without providing additional parking and loading spaces. Because both counter service restaurants and full service restaurants are listed in the reference code section above, and the floor area of the project site is under 2,000 square-feet (1,734 square-feet), no additional parking spaces will be required. It is not anticipated the applicant's request will create a negative traffic related impacts to Foothill Boulevard.

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 finding C.

4) That the proposed use satisfies its transportation or parking needs as described above in finding D.

5) That the proposed use does or will serve a public necessity or public convenience purpose for the area as evidenced by the continued operation of this retail use for off-site consumption of alcoholic beverages, as described in finding A.

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 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 an application for a new **Business Registration Certificate (BRC)** for a full service restaurant (Sakura Ichi) shall be submitted.

5. That the Police Department emergency personnel shall be provided with a minimum of three phone numbers of responsible parties in case of emergency.

6. That the facilities shall not be rented, leased or otherwise occupied for purposes not specified in this application.

7. 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.

8. That entertainment shall be limited to recorded incidental music.

9. That no exterior signs advertising the sales/service of beer and wine be permitted.

10. That the on-site sales, service and consumption of beer and wine at the restaurant shall be incidental to the selling of food.

11. 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.

12. 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.

13. That sufficient measures shall be enforced to effectively eliminate interior and exterior loitering, parking congestion, disturbing noise, disturbing light, loud conversation, and criminal activities.

14. 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.

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

16. That the outdoor storage of miscellaneous restaurant and play equipment located at the rear parking lot shall be removed.

17. 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.

18. 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.

19. That no beer and wine shall be sold to be taken from the premises by patrons for off-site consumption.

20. That the premises shall be operated in full accord with applicable State, County, and local laws.

21. 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.

22. That the restaurant adhere to the City's Fresh Air Ordinance, Title 15, Chapter 8.52 of the Glendale Municipal Code.

23. That there shall be no bar or lounge area upon the premises maintained solely for the purpose of sales, service or consumption of beer and wine by patrons.

24. 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.

25. That delivery vehicles making deliveries to the subject business shall not be parked or stopped illegally in the public rights-of-way.

26. That authorization granted herein shall be valid for a period of **TEN (10) YEARS UNTIL MARCH 3, 2026.**

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 **March 18, 2016**, 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 (CDD), 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

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 30.41 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.

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, Dennis Joe at (818) 937-8157 or djoe@glendaleca.gov.

Sincerely,

Phil Lanzafame
Director of Community Development

Laura Stotler
Planning Hearing Officer

LS:DJ:sm

CC: City Clerk (K. Cruz); City Attorney's Dept. (G. van Muyden); Fire Prevention Engineering Section-(J. Halpert); 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 (G. Tom/S. Boghosian); Glendale Water & Power--Electric Section (V. Avedian/8. 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.