



CITY OF GLENDALE, CALIFORNIA
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division

633 East Broadway, Room 103
Glendale, California 91206-4386
(818) 548-2140 (818) 548-2144
(818) 548-2115 Fax (818) 240-0392
www.ci.glendale.ca.us

May 29, 2013

Janelle Williams
Williams Land Use Services
2418 Honolulu Avenue, Unit "B"
Montrose, CA 91020

**RE: 2426 HONOLULU AVENUE
CONDITIONAL USE PERMIT NO. PCUP 1306519
(Sushi Monster)**

Dear Ms. Williams:

On May 29, 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 sales, service, and on-site consumption of alcoholic beverages at an existing full-service restaurant in the "CR" – Commercial Retail zone, located at **2426 Honolulu Avenue**, described as Portions of Lots 307 and 308, Tract No. 1701 in the City of Glendale, County of Los Angeles.

APPLICANT'S PROPOSAL
Conditional Use Permit

- 1) To allow the continued sales, service and consumption of alcoholic beverages, Type 41 license, at an existing full service restaurant.

CODE REQUIRES
Conditional Use Permit

- 1) Approval of a Conditional Use Permit is required for sales, service, and consumption of alcoholic beverages for full-service restaurants in the "CR" – Commercial Retail zone.

ENVIRONMENTAL RECOMMENDATION: Exempt.

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. The proposed use is 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 alcohol at this existing full service restaurant is a commercial use, which is consistent with the goals and objectives of the General Plan and the North Glendale Community Plan. Sushi Monster is located in the "CR" Zone, intended as a zone to accommodate retail shopping and convenience services in conformance with the comprehensive general plan.

B. 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 proposal is to maintain the full service restaurant with on-site sale, service and consumption of alcoholic beverages. It is not anticipated that Sushi Monster will have a detrimental effect on the community since no effects have been reported in the past. Similar full service restaurants with on-site alcohol sales and consumption have proven to be compatible with the surrounding businesses in the Montrose Shopping Park. Although the Glendale Police Department (GPD) 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), no incidents have been reported for this business. Compliance with the conditions set forth will ensure this business will not contribute to the crime in the area.

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

It is not anticipated that the full service restaurant will be detrimental to the community or adversely conflict with the community's normal development. This full service restaurant has been in operation for more than twelve years without adverse impacts. Adequate public and private facilities such as utilities, parking and landscaping exist. This portion of Honolulu Avenue is developed with a variety of retail, restaurant and service related businesses and Sushi Monster will continue to complement them. There will be no impact to existing traffic, loading or noise caused by the use. The on-site parking and shared city parking lots provided, together with conditions attached herein, is sufficient to assure that the facility will continue without negatively impacting on the surrounding area.

D. 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 continue operation of the full service restaurant in the existing structure; therefore, it would not increase the need for public or private facilities.

Furthermore, this request requires that additional findings of fact be made, as follows:

For applications involving the sale, serving or consumption of alcoholic beverages, the following criteria shall be considered in making the findings in subsection A. through D. above:

- 1. That where a 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 off-site use is located in a census tract with more than the recommended maximum concentration of off-site uses, as recommended by the California Department of Alcoholic Beverage Control, such use 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.**

Sushi Monster is in an area that is over concentrated with liquor licenses. Census Tract 3006 allows for seven On-Sale establishments. There are currently 33 On-Sale establishments in this tract, including one already issued for Sushi Monster. While this establishment is in a census tract that is over concentrated, the Police Department noted, with the conditions set forth, that the continued use and on-site sale, service and consumption of alcoholic beverages will not contribute to adverse impacts on the surrounding area.

- 2. That where the existing or proposed use is located in a crime reporting district with a crime rate which exceeds twenty (20) percent of the city average for Part I crimes, as reported by the Glendale Police Department, such use will not tend to encourage or intensify crime within the district because conditions placed on the approval of this conditional use permit will reduce the potential for these deleterious impacts to occur.**

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 have noted no requests for service at this business. Compliance with the conditions set forth will ensure this business will not contribute to the crime in the area and will continue to be successful in the community.

- 3. That the existing or proposed use does not or will not adversely impact any church, public or private school or college, day care facility, public park, library, hospital or residential use within the surrounding area.**

There are no identified sensitive land-uses (day care facilities, public parks, or hospitals) in the immediate neighborhood, although the Montrose Library is approximately one block west of this location. Sushi Monster is a bona fide full service restaurant. The full service restaurant provides for on-site alcohol sales, service and consumption with meals. The majority of the area surrounding the

subject site is developed with similar land uses as the subject project. Residential uses are located behind the building and across the rear alley; however, it is expected that Sushi Monster will continue to operate without incident

- 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 project is within a Pedestrian Priority Area as identified in the North Glendale Plan with existing pedestrian amenities and traffic calming, including wide-sidewalks, pedestrian lighting, curb extensions and signalized crosswalks. The on-site sale, service and the consumption of alcoholic beverages at the full service restaurant are not anticipated to intensify traffic circulation or parking demand since the project is the continuation of an existing use. There are 10 on-site parking spaces which provide sufficient parking spaces. Honolulu Avenue is identified as an Urban Collector, which adequately handle the existing traffic circulation around the site.

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

Compatibility of land uses is important to fostering a productive and thriving community. The service of alcoholic beverages at the existing full service restaurant will serve 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. Offering alcoholic beverages will not require any new city services, will not harm public safety and welfare, and is not in conflict with existing or anticipated surrounding land uses. Traffic circulation measures are not anticipated to be impacted as a result of allowing alcoholic beverages at the existing full service restaurant. 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:

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 at all times when the premises are open for business, the service of any alcoholic beverage shall be made only in the areas designated with an Alcoholic Beverage Control (ABC) license. Consumption of alcoholic beverages will only be on those same licensed areas.
5. That no patron to any of the business establishments will be allowed to bring into any establishment or maintain in the establishments, any alcoholic beverage unless that alcoholic beverage was purchased within that same establishment unless the facility has an established corkage policy allowing and regulating such.
6. That the proprietor and his/her employees shall make an active and conscientious effort to keep customers and employees from trespassing on other nearby properties or otherwise making disturbances in the area.
7. That live entertainment is permitted with the exception that 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.
8. That the front and back doors of the establishment shall be self closing doors such that noise from the business will not impact the surrounding neighborhood.
9. That the sale of alcohol and/or distilled spirits for consumption off the premises is strictly prohibited.
10. That the hours of operation shall be limited to 11:00 a.m. to 11:00 p.m. Monday through Sunday.
11. That the restaurant shall remain open to the public during business hours.

12. That a new Zoning Use Certificate shall be obtained and shall reference this conditional use permit.
13. That no exterior signs advertising the sales/service of alcoholic beverages be permitted, banners shall be prohibited, and all signs displayed shall conform to the requirements of the Glendale Municipal Code.
14. That the premises be maintained in a clean orderly condition free of weeds, trash, and graffiti.
15. That all music, lighting, noise and odors shall be confined within the building 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.
16. That the facilities shall not be rented, leased or otherwise occupied for purposes not specified in this application.
17. That the full service restaurant shall adhere to the City's Fresh Air (smoking) Ordinance.
18. 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.
19. That the authorization granted herein shall be valid for a period of **10 years, until May 29, 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 **JUNE 13, 2013** in the Building and Safety Division, 633 E. 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.

Section 30.16.610 of the Glendale Municipal Code, 1995, provides for the Community Planning Director to have continuing jurisdiction over any Conditional Use Permit which is or has been granted and may revoke any Conditional 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 30.41 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.

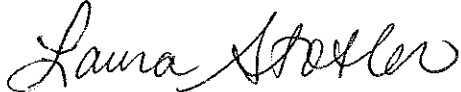
EXTENSION

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,



Laura Stotler
Planning Hearing Officer

LS:sm

CC: City Clerk (K.Cortes); Police Dept. (Tim Feeley/Z.Avila); City Attorney's Dept. (G. van Muyden/M.Yun); Fire Prevention Engineering Section-(D.Nickles); City Engineer and Traffic & Transportation Section (Roubik Golanian/G.Tom); Director of Public Works and General Manager for Glendale Water and Power (Stephen Zurn); Glendale Water & Power--Water Section (R.Takidin); Glendale Water & Power--Electric Section (M.Kelley/M.Jackson); Parks, Recreation and Community Services Dept. (Emil Tatevosian); Neighborhood Services (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 – Brad Collin.