



CITY OF GLENDALE, CALIFORNIA
COMMUNITY DEVELOPMENT DEPARTMENT
Director of Community Development

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Glendale, California 91206-4386
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www.ci.glendale.ca.us

November 15, 2012

Prinya Prinyathanakul
6320 San Fernando Road
Glendale, CA 91201

**RE: 6320 SAN FERNANDO ROAD
CONDITIONAL USE PERMIT PCUP1229536
(Sushi Joint)**

Dear Prinya Prinyathanakul:

On October 31, 2012, the Planning Hearing Officer conducted and closed a public hearing, pursuant to the provisions of the Glendale Municipal Code, Chapter 30.42, regarding your application for a Conditional Use Permit to continue to allow on-site beer and wine sales, services and on-site consumption at an existing full-service restaurant located at **6320 San Fernando Road**, described as Portions of Lots 16-25, Tract 8485 in the "IMU-R" – Industrial/Commercial-Residential Mixed Use Zone, in the City of Glendale, County of Los Angeles.

Applicant's Proposal

- (1) An application to allow the continued sales, services and on-site consumption of beer and wine at an existing full-service restaurant in the "IMU-R" Zone.

Code Requires

- (1) The sales, service and on-site consumption of alcoholic beverages in the "IMU-R" Zone requires the approval of a conditional use permit.

CEQA Status: Exempt

REQUIRED/MANDATED FINDINGS

After thorough consideration of the statements contained in the application, the plans submitted, the report by the Planning Division staff, 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. That the proposed use will be consistent with the various elements and objectives of the general plan.**

The Land Use Element classifies the subject site as Mixed Use. This zone is applied to areas appropriate for a mix of commercial, industrial, and residential activities. It

provides for a full range of goods and services to the community located along portions of industrial/commercial thoroughfares. By fulfilling this purpose, commercial activity ensures employment, continued housing demand, and tax advantages to the community. Sushi Joint is a successful business that has served nearby residents and businesses for five years. It has operated with sales, services and on-site consumption of beer and wine since 2007 and is a typical example of a food service establishment that the Land Use Element supports and encourages. The Circulation Element identifies San Fernando Road as a Citywide Street (major arterial) and Grover Avenue and Davis Avenue as Urban Collectors. Land uses adjacent to Urban Collectors are generally mixed density residential, commercial, institutional, and industrial, including offices, hospitals, shopping centers, schools, libraries, and government buildings.

The continued sales, service and on-site consumption of beer and wine does serve a public convenience for the area. Compatibility of land uses is important to fostering a productive and thriving community. The complementary service of beer and wine at a full-service restaurant will serve a public convenience because it serves local residents and businesses with a unique menu. Conditions placed on the approval of the project will ensure that it will not adversely impact nearby businesses and residential uses.

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 existing restaurant has proven to be compatible with the surrounding homes and businesses in the area for five years and the use of the building, parking, and customer service hours will continue in the same manner.

The existing use is located in a crime reporting district with a crime rate which exceeds 20 percent of the city average for Part I crimes, as reported by the Glendale Police Department. However, 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. The restaurant is located in Census Tract 3016.01. Although the crime rate for Census Tract 3016.01 exceeds the average Part 1 crimes for the City (171 crimes – 171% above the city-wide average of 63), no Part 1 crimes were associated with the Sushi Joint. The existing restaurant has served beer and wine with food since 2007 with only one call related to parking. It is a business that serves the local community and service of alcohol at this establishment is not associated with problems of crime or public drunkenness, as the alcohol served is limited to beer and wine with meals. Furthermore, the Police Department has not received any calls for Part 1 crimes related to alcohol since it began operating, and the Neighborhood Services Division has no open code violations.

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

The portion of San Fernando Road in the vicinity of the existing restaurant is developed with a mix of uses: industrial and commercial uses and the Sushi Joint is part of a commercial shopping center with a variety of uses (clothing store, nail and hair salons, dance studio, dentist, and restaurant). The Sushi Joint has been in operation since 2007

and the applicant is not proposing any changes to the existing floor plan or restaurant operation. In addition, the Planning Division has not received any formal complaints from nearby commercial and residential properties. The on-site parking provided, together with conditions attached herein, is sufficient to assure that the facility will continue to operate without negatively impacting the area.

The existing use does 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. The existing full service restaurant, is located in an existing shopping center which is located on a busy commercial thoroughfare. The majority of the area surrounding the subject site is developed with similar or more intensive land uses as the subject project, and the continued sales, service and consumption of beer and wine at Sushi Joint will not adversely impact sensitive land uses in the neighborhood. Although there are residential uses north of the property, across the alley, this use has operated for five years with only one reported parking incident and no major crimes. The City promotes "walkability" and this restaurant provides a nearby service for residents. Compatibility of land uses is important to fostering a productive and thriving community; therefore, conditions placed on the approval of the project will ensure that the proposed project will not adversely impact the nearby residential uses.

D. That adequate public and private facilities, such as utilities, landscaping, parking spaces and traffic circulation measures are provided for the proposed use.

The sale, service and consumption of alcoholic beverages were first granted by Conditional Use Permit No. PCUP 2007-022 approved in September 2007. In the current application, the ability to sell, serve and consume beer and wine at the restaurant will remain a complementary use and it is not anticipated to increase the need for public or private facilities. The surrounding neighborhood is developed with adequate public and private facilities and infrastructure. The 21 existing parking spaces and lot circulation have shown to be sufficient for the existing shopping center uses, and no changes to the parking demand would occur since no intensification of the existing restaurant is proposed. San Fernando Road is identified as a Citywide Street (major arterial) and Grover Avenue and Davis Avenue are identified as Urban Collectors; all of which adequately handle the existing traffic circulation around the site. The continuation of on-site sale, service and the consumption of alcoholic beverages at the existing restaurant would not intensify traffic circulation or parking demand.

E. That all the criteria set forth in Section 30.42.030(E) to be considered in making the findings in subsection A. through D. above have 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 car facility, public park, library, hospital or residential use), as described above in findings B and C.
- 4) That the proposed use does satisfy 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 sale of alcoholic beverages at an existing full-service retail store, as described above in finding A.

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 five criteria required for alcohol-related cases in Sub-Section 30.42.030(E), Glendale Municipal Code. 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 no separate bar shall be installed on the premises.
4. That the hours of operation shall be limited to **11:00 a.m. to 12:00 a.m. (midnight)**.
5. That only beer and wine shall be served and only in conjunction with the consumption of food.
6. That the sale and serving of beer and wine shall be for consumption on the premises only.
7. That no exterior signs advertising the sales/service of alcoholic beverages be permitted, and banners shall be prohibited.

8. That graffiti shall be removed in a timely manner.
9. That no live entertainment shall be allowed.
10. That all music, lighting, noise and odors shall be confined to the occupancy 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.
11. That the facilities shall not be rented, leased or otherwise occupied for purposes not specified.
12. That any expansion or modification of the facility or use which intensifies the existing Conditional Use Permit shall require a new Conditional Use Permit application. Expansion shall constitute adding floor area, changes to the use or operation, or any physical change as determined by the Planning Hearing Officer, with concurrence from the Director of Community Development Department.
13. That the full service restaurant adheres to the City's Fresh Air (smoking) Ordinance.
14. 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.
15. 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.
16. That the authorization granted herein shall be valid for a period of ten years, until **December 1, 2022**, 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 **November 30, 2012** 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 sold, 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.

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 (Kathy Duarte @ 818.937.8163) who acted on this case. 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 undersigned.

Sincerely,



Erik Krause
Planning Hearing Officer

EK: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); 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); Rick Lickitwongse-consultant, 675 Rim Road, Pasadena, CA 91107; and case planner – Kathy Duarte.