



May 16, 2018

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

**RE: 220 EAST BROADWAY
ADMINISTRATIVE USE PERMIT CASE NO. PAUP 1802215
(Joon Shabu Shabu Restaurant)**

Dear Ms. Williams:

Pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.49, the Community Development Department has processed your application for an application for an Administrative Use Permit (AUP) to allow the continued on-site sales, service, and consumption of beer and wine (Type 41) at an existing full service restaurant (Joon Shabu Shabu) in the "DSP/EB" – (Downtown Specific Plan/East Broadway District) Zone, located at **220 East Broadway**, described as lot 1, Tract No. 62469 in the City of Glendale, County of Los Angeles.

CODE REQUIRES

(1) On-site sales, service and consumption of alcoholic beverages requires an Administrative Use Permit in the "DSP/EB" (Downtown Specific Plan/East Broadway District) Zone.

APPLICANT'S PROPOSAL

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

ENVIRONMENTAL DETERMINATION

The project is exempt from CEQA review as Class 1 "Existing Facilities" exemption pursuant to State CEQA Guidelines Section 15301 because this application is for an existing restaurant to provide the continued on-site sales of beer and wine with meals. There are no proposals to add floor area to the building or make changes to the existing façade.

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 subject site is located in the DSP/EB (Downtown Specific Plan/East Broadway District) Zone and the General Plan Land Use Element designation is Downtown Specific Plan/East Broadway. The DSP/EB zone is intended to offer a full range of goods and services to the community located along commercial thoroughfares. This zone has a broad list of permitted land uses and includes mixed use developments and full service restaurant. Goods and services offered in this zone generally attract clientele from the adjoining residential neighborhoods as well as the surrounding community. The continued on-site sales, service and consumption of beer and wine at the existing restaurant at this location is appropriate in an area of the city zoned for residential and commercial uses and will provide an option for the dining public to enjoy alcoholic beverages with their meals. Alcoholic beverage sales are an administratively permitted use in the DSP/EB zone, and therefore, consistent with the land use designation.

The on-site sales, service and consumption of beer and wine at the existing restaurant will be consistent with the elements and objectives of the General Plan. The land use designation of the site is Downtown Specific Plan/East Broadway where residential and restaurant services along minor arterials, such as East Broadway, and urban collector streets, such as South Louise Street, are desired. Joon Shabu Shabu is located at the northeast corner of the site at the corner of East Broadway and South Louise Street within a four story (with mezzanine) mixed use building that was constructed in 2012. The subject tenant restaurant is the first tenant for the subject tenant space. The project site is surrounded by other complementary businesses, including retail, general and medical office and service type uses. Residential uses are located to the south of the restaurant separated by a parking lot and residential lobby area and above the subject commercial uses.

Serving alcoholic beverages in conjunction with bona fide food service is a common ancillary use for restaurants and will further assist in making Glendale a dynamic destination. Given that the project site is already developed and the administrative use permit application only requests the sales, service and consumption of beer and wine at an existing restaurant, other elements of the General Plan, including the Open Space, Recreation, Housing and Noise Elements, will not be impacted as a result of the project.

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 the existing full-service restaurant will not be detrimental to the safety and public welfare of the neighborhood in general. According to the Glendale Police Department, Joon Shabu Shabu restaurant is located in Census Tract 3022.01, where three on-sale establishments is the recommended limit. Currently, there are 26 licenses in this Census Tract and Joon Shabu Shabu is one of the 26. The concentration of restaurants is encouraged in the Downtown Specific Plan districts, which are intended to provide an 18-hour experience for residents and visitors. Based on Part 1 crime statistics for this Census Tract, there were 239 crimes reported in the census tract, which is above the citywide average of 180. This higher than average crime rate is explicable given the higher densities in the Downtown and calls for service to the neighboring Americana and Glendale Galleria. Within the last calendar year, there was one call for service at this location, though no report was taken. Restaurants frequently serve alcoholic beverages as part of their food service and such service is not associated with

public drunkenness or other alcohol-related crimes. The proposed conditions of approval related to the hours of operation and activity both within and outside the restaurant will serve to mitigate any potential impacts on surrounding properties, including the adjacent residential and institutional (church) uses. The existing restaurant is located on the corner of East Broadway and South Louise Street and has its front door oriented towards the corner intersection; all public access is through this main door. This application does not include any added floor area or modifications to the existing building; therefore, there will be no increase in required parking for this use. Parking is provided for the restaurant in the parking garage for the mixed-use building. Lastly, neither the Glendale Police Department nor Neighborhood Services Division cited concerns related to this administrative use permit application or the existing operation. Therefore, the applicant's request to continue the proposed on-site sales, service and consumption of beer and wine with meals is not anticipated to be detrimental to the public health, safety, 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 on-site sales, service and consumption of beer and wine at the existing full-service restaurant is not anticipated to adversely conflict with the community's normal development. Joon Shabu Shabu has operated at this location since the building's completion in 2012 without any apparent conflict to the adjacent uses. Joon Shabu Shabu is one of two commercial tenant spaces in the mixed use (residential/commercial) building. A total of 15 parking spaces are provided on-site for the two commercial uses, where 14 are required by Code. The residential tenants above the existing restaurant are obviously aware of the establishment and its activity. The surrounding area of East Broadway and South Louise Street is developed with other one-, two-, and multi-story commercial developments. The only public institution in the vicinity is the Glendale Presbyterian Church located to the south of the subject site on the northwest corner of South Louise Street and East Harvard Street. This church and associated facilities are separated from the subject use by several other commercial establishments and properties, including the three-story Armenian Society of Los Angeles building and a low-scale auto repair business. As such, the continued on-site sales, service and consumption of beer and wine is not anticipated to adversely impact this public institution, or conflict with the adjacent uses or properties.

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.

The applicant's request to serve beer and wine at the existing restaurant will not result in inadequate public or private facilities. Joon Shabu Shabu is one of two commercial tenants in the existing mixed use (residential/commercial) building with existing parking in compliance with Code for the commercial uses. Adequate public and private facilities such as utilities, parking and landscaping exist. East Broadway is identified as a minor arterial and South Louise Street is identified as an urban collector in the city's Circulation Element and these streets can adequately handle the existing traffic circulation adjacent to the site.

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) According to the Glendale Police Department, Joon Shabu Shabu restaurant is located in Census Tract 3022.01, where three on-sale establishments is the recommended limit. There are 26 existing establishments with on-site sales, service, and consumption of alcohol in this tract. Joon Shabu Shabu is one of the 26 establishments. Neither the Glendale Police Department nor Neighborhood Services Division cited concerns related to this administrative use permit. Furthermore, recommended conditions of approval would ensure that any potential negative impacts will be appropriately mitigated. Therefore, it is not anticipated that this use will contribute to any adverse impacts on the surrounding area.
- 2) No evidence has been presented which would indicate that an existing full service restaurant with sales, service, and consumption of beer and wine in this location would encourage or intensify crime within the district. Based on Part 1 crime statistics for this Census Tract, there were 239 crimes reported in the census tract, which is above the citywide average of 180. Restaurants frequently serve alcoholic beverages as part of their food service and such service is not associated with public drunkenness or other alcohol-related crimes. Within the last calendar year, there was one call for service at this location, no report was taken. Neither the Glendale Police Department nor Neighborhood Services Division cited concerns related to this administrative use permit. Suggested conditions made by the Police Department have been included to ensure that any potential negative impacts will be appropriately mitigated.
- 3) It is not anticipated that the applicant's request to continue to serve beer and wine at the existing restaurant will 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). As described above in Finding B and C above, while residential uses and public facilities are within the same vicinity, the applicant's request to continue the on-site sales, service and consumption of beer and wine with meals from this existing restaurant is not anticipated to adversely impact other neighboring uses in this area. Additionally, the project is conditioned to ensure the function of this restaurant and sale of beer and wine is in compliance with all municipal codes and state law.
- 4) That the proposed use satisfies its transportation or parking needs as described in Finding D above because adequate access, parking and delivery spaces are available to serve this use.
- 5) The applicant's request to continue to allow on-site sales, service and consumption of beer and wine at the existing 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 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 Division and all construction shall be in compliance with the Glendale Building Code and all other applicable regulations.
3. That all necessary licenses as required from Federal, State, County or City authorities shall be obtained and kept current at all times.
4. That the premises shall be operated in full accord with applicable State, County, and local laws.
5. That sufficient measures shall be enforced to effectively eliminate interior and exterior loitering, parking congestion, disturbing noise, disturbing light, loud conversation, and criminal activities.
6. 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.
7. That the premises shall be maintained as a full service restaurant and shall provide a menu containing an assortment of foods normally offered in such establishment. Food service shall be available at all times and in all areas of the premises during normal operating hours.
8. That only beer and wine shall be served and only in conjunction with the consumption of food.
9. That no alcoholic beverages shall be sold to be taken from the premises by patrons for off-site consumption.
10. That no patrons of the restaurant shall be allowed to bring into the establishment any alcoholic beverage that was purchased from outside of the establishment, unless the facility has an established corkage policy allowing and regulating such.
11. That the restaurant shall remain open to the public during business hours.
12. That the sales, service, or consumption of alcoholic beverages shall be permitted only between the hours of 9:00 a.m. to 11:00 p.m. seven days a week.
13. That no exterior signs advertising the sales/service of beer and wine shall be permitted.
14. That there shall be no bar or lounge area on the premises used solely for the purpose of sales, service or consumption of beer and wine by patrons.
15. That all music, lighting, noise and odors shall be confined to the occupancy so as not to disturb occupants of other adjacent business or properties and patrons on the public right-of-way. The business shall comply with all state and local laws and ordinances concerning excessive noise and disturbing the peace, including GMC 8.36.
16. 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.

17. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.
18. That dancing shall be prohibited.
19. 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 where partial clothing of male or female entertainment is provided.
20. 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.
21. That the restaurant adheres to the City's Fresh Air (smoking) Ordinance, Title 15, Chapter 8.52 of the Glendale Municipal Code.
22. That any expansion or modification of the facility or use which intensifies this Administrative Use Permit (AUP) shall require a new Administrative Use Permit. Expansion shall constitute adding floor area, changes to the use or operation, or any physical changes as determined by the Planning Hearing Officer with concurrence from the Director of Community Development.
23. That a Business Use Certificate shall 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.
24. That authorization granted herein shall be valid for a period of **TEN (10) YEARS UNTIL MAY 16, 2028.**

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 31, 2018**, at the PSC, 633 East Broadway, Room 101, Monday through Friday 7:00 a.m. to 12:00 p.m., or at CDD, 633 East Broadway, Room 103, Monday through Friday 12:00 p.m. to 5:00 p.m.

GMC Chapter 30.41 provides for

Termination

Every right or privilege authorized by an Administrative Exception 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 Exception may be terminated by the review authority upon any interruption or cessation of the use permitted by the Administrative Exception for one year or more in the continuous exercise in good faith of such right and privilege.

Extension

Permits granted by such right or privilege 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 exception.

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 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.

REVOCAION

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over variances, conditional use permits and administrative exceptions. To consider the revocation, the Director of Community Development shall hold a public hearing after giving notice by the same procedure as for consideration of an Administrative Use Permit at least 10 days' notice by mail to the applicant or permittee.

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) 548-2140 or bcollin@glendaleca.gov

Sincerely,

Philip Lanzafame
Director of Community Development



Vilia Zemaitytis
Planning Hearing Officer

VZ:BC: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); Traffic & Transportation Section (P.Casanova); 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. B.Ortiz/E.Olsen/ M.Navareete/M.Kouassi); Parks, Recreation and Community Services Dept. (T. Aleksanian); Neighborhood Services Division (R.Sada/J.Jouharian/); 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 – Brad Collin.