**December 13, 2023**

**Applicant:**

Sinaga Sijaya

14039 Woodshire Glen Ct.

Eastvale, CA 92880

**RE: ADMINISTRATIVE USE PERMIT CASE NO. PAUP-001960-2023**

**3731 FOOTHILL BOULEVARD, UNIT H**

(Chamsutgol BBQ)

The Director of Community Development will render a final decision on or after December 13, 2023 for the following project:

**Project proposal:**  Application for an Administrative Use Permit (AUP) to allow the on-site sales, service, and consumption of beer and wine (ABC License Type 41) at an existing full-service restaurant with sidewalk dining (Chamsutgol BBQ) in the CH –Commercial Hillside Zone.

**STAFF RECOMMENDATION: APPROVE WITH CONDITIONS**

# DRAFT CONDITIONS OF APPROVAL

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 Hearing Officer.
2. That all licenses and permits as required or approvals 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, distributing noise, distributing light, loud conversation, and criminal activities.
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 ABC license. Consumption of alcoholic beverages shall only be on those same licensed areas.
5. That the premises shall be operated in full accord with applicable State, County, and local laws.
6. 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.
7. That at all times when the premises are open for business, the service of any beer and wine shall be made only in the areas designated with an ABC license.  Consumption of beer and wine will only be in those same licensed areas.
8. That no separate bar for the sales, service and consumption of beer and wine shall be permitted.
9. That no exterior signs advertising the sales and service of beer and wine shall be permitted.
10. That there shall be no video machine(s) and/or video game(s) maintained upon the premises.
11. That no live entertainment is permitted without a “Live Entertainment Permit”.
12. 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.
13. That beer and wine shall be the only alcoholic beverages served and they shall be served only in conjunction with the consumption of meals and shall be consumed on the premises only. Beer and wine sales shall be less than fifty (50) percent of restaurant’s gross revenues.
14. That the sales, service or consumption of beer and wine shall be permitted only between the hours of 11:00 a.m. to 12:00 a.m. each day of the week.
15. That the premise shall remain open to the public during business hours as a full-service restaurant as defined in Chapter 30.70 of the Glendale Municipal Code (G.M.C).
16. That no patron will be allowed to bring into the restaurant or maintain in the restaurant any beer and wine unless that beer and wine was purchased within that same establishment or unless the facility has an established corkage policy.
17. That the proposed full-service restaurant shall adhere to the City's Fresh Air (smoking) Ordinance.
18. That patrons shall not be permitted to remain in the parking area after closure or to loiter in the parking area while the business is open.
19. 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 make disturbances in the area.
20. That any expansion or modification of the facility or use which intensifies the existing conditional use permit shall require a new administrative 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.
21. That the facilities shall not be rented, leased or otherwise occupied for purposes not specified.
22. That no outdoor storage shall be allowed on the site.
23. That the rear door facing the residential zone shall remain closed except as necessary for the kitchen’s operation such as during deliveries of goods and removing trash and recyclable items to the trash enclosure.
24. 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 the conditions of approval.
25. That all mitigation measures listed in the mitigated negative declaration resulting from the processing of Environmental Information Form No. 2003-12 shall be met.
26. That all conditions listed in the Parking Reduction Permit No. PPRP 2007-010 shall be met.

# PROJECT BACKGROUND

**Previous Permits for the Site:**

October 29, 2007, the Zoning Administrator approved Conditional Use Permit (CUP) Case No. PCUP 2007-010 to allow the on-site sales, service and consumption of alcoholic beverages (beer and wine) at a full-service restaurant, and Parking Reduction Permit No. PPRP 2007-010 to provide 70 spaces where 93 spaces were required for a full-service restaurant.

On March 14, 2013, the Planning Hearing Officer approved Conditional Use Permit (CUP) Case No. PCUP 1231636 to continue beer and wine sales, service and consumption with meals at a full-service restaurant in the CH Commercial Hillside Zone. This approval expired on March 30, 2023.

**Related Concurrent Permit Application(s):**

There are no related concurrent permit applications.

**Environmental Determination:**

The project is exempt from CEQA review as a Class 1 “Existing Facilities” exemption, pursuant to State CEQA Guidelines Section 15301(e), because the discretionary permit request is to allow for the continued on-site sales, services, and consumption of beer and wine at an existing restaurant within an existing commercial space and there is no additional floor area proposed.

**General Plan:**

Community Services

**Zone:**

CH –Commercial Hillside Zone

**Description of Existing Property and Uses:**

The Chamsutgol BBQ Restaurant is located in an existing shopping center constructed in 2007. The property is located on the north side of Foothill Boulevard between Boston Avenue and Lauderdale Avenue. There are 70 surface parking spaces located on the site that services the entire shopping center. The property is adjacent to a variety of commercial uses along Foothill Boulevard and to single-family homes on Danny Street behind it to the north.

**Neighboring Zones and Uses**

|  |  |  |
| --- | --- | --- |
|  | Zoning | Existing Uses |
| North | R1 Residential | Single-family residential homes |
| South | CH Commercial Hillside | Personal Services, office uses |
| East | CH Commercial Hillside | Retail, vehicle repair |
| West | CH Commercial Hillside | Vacant (commercial) |
| Project Site | CH Commercial Hillside | Full-service restaurant in a shopping center |

# COMMENTS FROM OTHER CITY DEPARTMENTS:

# No major concerns were received from the various city divisions/departments. Conditions have been received from the Police Department to ensure that any potential negative impact will be appropriately mitigated. These conditions will be made part of the decision letter if the Administrative Use Permit (AUP) is approved.

# PROJECT ANALYSIS

The applicant is requesting an AUP to continue the on-site sales, service and consumption of beer and wine (ABC License Type 41) at an existing full-service restaurant. The subject site is located within the CH (Commercial Hillside) Zone, and the Land Use Element of the General Plan designates the subject site as Community Services – which are neighborhood centers offering goods and services offered to generally attract clientele from the adjoining residential neighborhoods, but at a larger market scale. The continued service of beer and wine at the existing full-service restaurant would be consistent with the General Plan because it is a recognized land use associated with a full-service restaurant, and the subject tenant space has operated as a restaurant with beer and wine service for the past 15 years. 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. Furthermore, the subject property is accessed via Foothill Boulevard which has been identified as a major arterial by the City’s Circulation Element. The functional purpose of major arterial streets is to handle the heavier traffic volumes and distribute traffic to freeways, collector streets and business centers within and outside of the City’s boundaries and has the capacity to handle the existing restaurant’s traffic circulation. Given that the project site is already developed, 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.

The on-site sales, service and consumption of beer and wine at an existing full-service restaurant will not be detrimental to the health, safety, and public welfare of the neighborhood in general. According to the Glendale Police Department, the subject property is located in Census Tract 3003.01 where the suggested limit for on-sale establishments is six. Currently there is one other on-sale establishments in this census tract and Chamsutgol BBQ will be the second. Based on Part 1 crime statistics for census tract 3003.01 in 2021, there were 98 crimes, 41% below the city wide average of 167. Within the last calendar year, there have not been any calls for service to the Glendale Police Department for this tenant space. The Glendale Police Department did not cite any concerns with the applicant’s request to add the on-site sales, service and consumption of beer and wine to an existing full-service restaurant at this location and suggested conditions of approval have been included to mitigate any potential negative impacts.

It is not anticipated that the continued on-site sales, service and consumption of beer and wine at an existing full-service restaurant will be detrimental to the community or adversely conflict with the community’s normal development of surrounding properties, as conditioned. The subject property is located in an existing commercial strip mall with variety of complementary businesses, such as retail, personal services and fast food restaurants. There are three public facilities located in the immediate area (0.5 of a mile) of the subject site: Saint James School at 4651 Dunsmore Avenue, Dunsmore Elementary School at 4717 Dunsmore Avenue and Dunsmore Park at 4700 Dunsmore Avenue. In addition, there is another park and one public schools located in the vicinity and beyond 0.5 mile of the subject property: New York Park, located at 4525 New York Avenue (0.6 of a mile to the southeast) and Anderson W Clark High School located at 4747 New York Avenue (0.9 of a mile to the northeast). While these facilities and uses are within the vicinity, they are well outside the immediate 0.5 mile radius of the project site. Located behind the commercial center are abutting parcels developed with single-family residential dwellings accessed by Danny Street. While these facilities and uses are within proximity, the applicant’s request is to continue the sales and consumption of beer and wine at an existing restaurant that has served alcoholic beverages in conjunction with a meal for over the past 15 years. There were no concerns or comments submitted by the Police Department or Neighborhood Services Division that would indicate that the on-site sales, service and consumption of beer and wine at the existing full-service restaurant, Chamsutgol BBQ. Conditions of approval and the Director of Community Development’s continuing jurisdiction over this case will ensure compliance with City codes, ordinances and regulations.

Adequate public and private facilities such as utilities, on-site parking and landscaping exist on the property. The subject tenant space is located in a shopping center constructed in 2007. Beer and wine with meals have been a part of a restaurant use at this location beginning in 2007 and have continued to the present time. The restaurant’s parking lot is accessed from Foothill Boulevard by two driveways. No new floor area is proposed nor are changes proposed to the number of parking spaces or parking lot design. It is not anticipated that there will be increased parking and traffic impacts as a result of continuing the sale of beer and wine with food service. Additionally, a previously applied condition will remain as part of the project’s approval to limit alcoholic beverage sales to be ancillary and in conjunction with a meal.

Overall, the applicant’s request to allow the on-site sales, service and consumption of beer and wine at an existing full-service restaurant, Chamsutgol BBQ, is supportable based on the facts surrounding this application and the findings.

**DRAFT FINDINGS**

1. **That the existing use will be consistent with the various elements and objectives of the general plan.**

The applicant is requesting an AUP to continue the on-site sales, service and consumption of beer and wine (ABC License Type 41) at an existing full-service restaurant. The subject site is located within the CH (Commercial Hillside) Zone, and the Land Use Element of the General Plan designates the subject site as Community Services – which are neighborhood centers offering goods and services offered to generally attract clientele from the adjoining residential neighborhoods, but at a larger market scale. The continued service of beer and wine at the existing full-service restaurant would be consistent with the General Plan because it is a recognized land use associated with a full-service restaurant, and the subject tenant space has operated as a restaurant with beer and wine service for the past 15 years. 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. Furthermore, the subject property is accessed via Foothill Boulevard which has been identified as a major arterial by the City’s Circulation Element. The functional purpose of major arterial streets is to handle the heavier traffic volumes and distribute traffic to freeways, collector streets and business centers within and outside of the City’s boundaries and has the capacity to handle the existing restaurant’s traffic circulation. Given that the project site is already developed, 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.

1. **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 an existing full-service restaurant will not be detrimental to the health, safety, and public welfare of the neighborhood in general. According to the Glendale Police Department, the subject property is located in Census Tract 3003.01 where the suggested limit for on-sale establishments is six. Currently there is one other on-sale establishments in this census tract and Chamsutgol BBQ will be the second. Based on Part 1 crime statistics for census tract 3003.01 in 2021, there were 98 crimes, 41% below the city wide average of 167. Within the last calendar year, there have not been any calls for service to the Glendale Police Department for this tenant space. The Glendale Police Department did not cite any concerns with the applicant’s request to add the on-site sales, service and consumption of beer and wine to an existing full-service restaurant at this location and suggested conditions of approval have been included to mitigate any potential negative impacts.

1. **That 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 continued on-site sales, service and consumption of beer and wine at an existing full-service restaurant will be detrimental to the community or adversely conflict with the community’s normal development of surrounding properties, as conditioned. The subject property is located in an existing commercial strip mall with variety of complementary businesses, such as retail, personal services and fast food restaurants. There are three public facilities located in the immediate area (0.5 of a mile) of the subject site: Saint James School at 4651 Dunsmore Avenue, Dunsmore Elementary School at 4717 Dunsmore Avenue and Dunsmore Park at 4700 Dunsmore Avenue. In addition, there is another park and one public schools located in the vicinity and beyond 0.5 mile of the subject property: New York Park, located at 4525 New York Avenue (0.6 of a mile to the southeast) and Anderson W Clark High School located at 4747 New York Avenue (0.9 of a mile to the northeast). While these facilities and uses are within the vicinity, they are well outside the immediate 0.5 mile radius of the project site. Located behind the commercial center are abutting parcels developed with single-family residential dwellings accessed by Danny Street. While these facilities and uses are within proximity, the applicant’s request is to continue the sales and consumption of beer and wine at an existing restaurant that has served alcoholic beverages in conjunction with a meal for over the past 15 years. There were no concerns or comments submitted by the Police Department or Neighborhood Services Division that would indicate that the on-site sales, service and consumption of beer and wine at the existing full-service restaurant, Chamsutgol BBQ. Conditions of approval and the Director of Community Development’s continuing jurisdiction over this case will ensure compliance with City codes, ordinances and regulations.

1. **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 utilities, on-site parking and landscaping exist on the property. The subject tenant space is located in a shopping center constructed in 2007. Beer and wine with meals have been a part of a restaurant use at this location beginning in 2007 and have continued to the present time. The restaurant’s parking lot is accessed from Foothill Boulevard by two driveways. No new floor area is proposed nor are changes proposed to the number of parking spaces or parking lot design. It is not anticipated that there will be increased parking and traffic impacts as a result of continuing the sale of beer and wine with food service. Additionally, a previously applied condition will remain as part of the project’s approval to limit alcoholic beverage sales to be ancillary and in conjunction with a meal.

**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 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 (ABC), 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 as described in Finding B above.
  2. That where the existing or proposed 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, such use does not or will not tend to encourage or intensify crime within the district because conditions of approval have been included in the approval of this application to ensure that any potential negative impacts will be appropriately mitigated, as described in Finding B above.
  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 schools or college, day care facility, public park, library, hospital or residential use), as described in Finding C above.
  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 as described in Finding D above.
  5. That notwithstanding consideration in subsections 1 through 4 above, the operation of an existing full-service restaurant with the on-site sales, service and consumption of beer and wine does serve a public convenience for the area 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.

***For more information or to submit comments, please contact the case planner, Dennis Joe, at 818-937-8157 or DJoe@glendaleca.gov***

**ATTACHMENT:**

1.Location Map

2. Reduced Plans

3. Departmental Comments