glendale california

City of Glendale
Community Development
Planning & Neighborhood Services

633 E. Broadway, Room 103
Glendale, CA 91206-4386
Tel 818.548.2140 Tel 818.548.2115
Fax 818.240.0392 ci.glendale.ca.us

August 14, 2014

Catherine Biggers
Saint Glen, Inc. dba Panini Café
17821 Skypark Circle, #H
Irvine, CA 92614

RE: 400 NORTH BRAND BOULEVARD
ADMINISTRATIVE USE PERMIT NO. PAUP 1410717
(Panini Café)

Dear Ms. Biggers:

Pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.49, the Community Development Department has processed your application for an administrative use permit to allow on-site sales, service, and consumption of beer and wine at a proposed restaurant (Panini Café) located at **400 North Brand Boulevard**, in the "DSP/GAT" - (Downtown Specific Plan/Gateway District), described as Lots 1-8 Edwin Pierce Tract No. 1 as recorded in Map Book 12, page 87, and Lots 1-4 Block 1 Ida M. Cooper's Boulevard Tract Block 1 as recorded in Map Book 10, page 175, and Lots 1-4 Block 2 Ida M. Cooper's Boulevard Tract Block 2 as recorded in Map Book 12, page 89 of the Los Angeles County Recorder's Office, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

(1) The sales, service and on-site consumption of alcoholic beverages requires an Administrative Use Permit in the DSP/GAT – Downtown Specific Plan/ Gateway District Zone.

APPLICANT'S PROPOSAL

(1) An administrative use permit to allow the on-site sales, service and consumption of beer and wine at a proposed restaurant (Panini Café).

ENVIRONMENTAL RECOMMENDATION: The project is exempt from CEQA review as a Class 1 exemption pursuant to State CEQA Guidelines Section 15301.

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:

REQUIRED FINDINGS

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 Downtown Specific Plan – Gateway District. The focus of this area is the continued promotion and location of corporate headquarters, new hotels, mixed-use and residential buildings, complementary/accessory service and retail businesses at the street level, as well as the introduction of appropriate night-time entertainment uses. A full service restaurant in this location is a desired use at the street level. Alcoholic beverage sales are a administratively permitted uses within the Gateway District zone, and therefore, consistent with the land use designations.

The sales, service and consumption of beer and wine at the proposed restaurant will be consistent with the elements and objectives of the General Plan. The land use designation of the site is Downtown Specific Plan (DSP). One of the purposes of this designation is to encourage the location of a wide range of activities to maintain a dynamic environment. The proposed restaurant will facilitate an exciting, lively area, along with other entertainment/restaurant uses and a wide variety of retail uses that creates and enhances the environment desired in the DSP. Serving alcoholic beverages in conjunction with bona fide food service is a common ancillary use for restaurants and will further assist in making downtown 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 a proposed 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.

The Downtown Specific Plan (DSP) identifies Brand Boulevard as a Signature street and as a Pedestrian Priority/Transit Priority Street. It is Glendale's "Main" street. Lexington Avenue as identified also as a Pedestrian Priority street. Primary pedestrian streets give first priority to creating excellent conditions for pedestrians and are usually important on primary retail and transit corridors characterized with wide sidewalks and fine streetscapes. The Circulation Element identifies Brand Boulevard as a major arterial and Lexington Avenue as an urban collector. Both streets are fully developed and adequately handle the existing traffic circulation around the site.

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 consumption of alcoholic beverages at the proposed restaurant will not be detrimental to the safety and public welfare of the neighborhood in general.

Panini Café restaurant will be located in census tract 3019, where seven on-sale establishments is the recommended limit. There is currently one on-sale establishment in this tract. The project site is located in downtown Glendale, where a concentration of restaurants is encouraged. Additionally, 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.

Based on Part 1 crime statistics for this census tract, there were 129 crimes, 143 percent above the citywide average of 53. While this area has more crime than in many other areas of the city, it has a high concentration of entertainment and retail uses, which may partially explain the higher crime rate, rather than lower density residential areas, which typify much of the city. 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 crime would not be intensified.

C. 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 sale, service and consumption of beer and wine at the proposed Panini Café will be detrimental to the community or adversely conflict with the community's normal development. The restaurant will be located at the ground floor of an existing nine-story office building, within downtown Glendale. This area is developed with a concentration of high rise, high intensity regional office uses. The consumption of alcoholic beverages at the proposed restaurant does not conflict with the adjacent and surrounding land uses and, in fact, this type of use is encouraged in this area. Furthermore, the project will not impede the normal development within the surrounding area, since it is already fully developed and should not impede in any redevelopment of Brand Boulevard, given the proposed administrative use permit only requests alcohol service at a proposed restaurant. There are no known churches, private or public schools or colleges, day care facilities or hospitals near the proposed restaurant. Residential neighborhoods are located nearby, but do not adjoin the project site.

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 proposed restaurant will not result in inadequate public or private facilities. The project site is already developed and associated facilities are existing. The change of use from retail to a restaurant should not result in a significant increase in utility use. Brand Boulevard is identified as a major arterial street in the city's Circulation Element and this street 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, have been considered in making the findings in subsection A. through D. above:

1) No overconcentration of on-site or off-site use of alcoholic beverage sales exists. The proposed Panini Café restaurant will be located in census tract 3019, where seven on-sale establishments is the recommended limit. There is currently one on-sale establishment in this tract. The project site is located in downtown Glendale, where a concentration of restaurants is encouraged. Therefore, it is not anticipated that this use will contribute to any adverse impacts on the surrounding area.

2) The use will not tend to encourage or intensify crime within the district. No evidence has been presented which would indicate that a proposed full service restaurant with sales, service, and consumption of alcoholic beverages in this location would encourage or intensify crime within the district.

3) The use 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). There are no known churches, private or public schools or colleges, day care facilities or hospitals near the proposed restaurant. Residential neighborhoods are located nearby, but do not adjoin the project site. Additionally, the project is conditioned to ensure the function of this restaurant and sale of alcoholic beverages in compliance with all municipal codes and state law. The proposed on-site sales, service and consumption of beer and wine with meals at the proposed full service restaurant is not anticipated to adversely impact other neighboring uses in this area.

4) The proposed use satisfies its transportation or parking needs as described above because adequate access, parking and delivery spaces are available to serve this use.

5) The proposed use will serve a public necessity or public convenience purpose for the area as evidenced by the demand for restaurants with alcoholic beverages in the Downtown Specific Plan. The proposed restaurant is in an area that is mainly comprised of professional office buildings and businesses with a mix of commercial retail and restaurant establishments. As evidenced by the low concentration of on-site sales of alcoholic beverages within the census tract, the proposed restaurant will serve a public convenience for the area.

CONDITIONS OF APPROVAL

APPROVAL of this Administrative Use Permit shall be subject to the following conditions:

1. 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. 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. 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.

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

5. The service of alcoholic beverages shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control.

6. 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. The opinion of the Director of Community Development shall prevail to arbitrate any conflict.

7. The premises shall be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.

8. Only beer and wine shall be served and only in conjunction with the consumption of food.

9. All signs displayed shall conform to the requirements of the Glendale Municipal Code.

10. 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.

11. 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.

12. The restaurant shall remain open to the public during business hours.

13. 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.

14. The premises shall be operated in full accord with applicable State, County, and local laws.

15. 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.

16. No exterior signs advertising the service of alcoholic beverages shall be permitted.

17. 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.

18. The proposed restaurant shall adhere to the City's Fresh Air (smoking) Ordinance, Title 15, Chapter 8.52 of the Glendale Municipal Code.

19. Any expansion or modification of the facility or use which intensifies this administrative use permit 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.

20. 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.

21. The authorization granted herein shall be valid for a period of ***10 years until August 14, 2024.***

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 (COD) upon request and must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **AUGUST 29, 2014,** at the Permit Services Center (PSC), 633 East Broadway, Room 101, Monday thru Friday 7:00 a.m. to 12:00 p.m., or at the Community Development Department (COD), 633 East Broadway, Room 103, Monday thru Friday 12:00p.m. to 5 p.m.

APPEAL FORMS available on-line:
http://glendaleca.gov/government/departments/community-development/planning-division/services/how-to-submit-a-planning-application

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. Visit us.

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.

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, Kristen Asp at 818-937-8161 or kasp@glendaleca.gov

Sincerely,
Hassan Haghani
Director – Community Development Department

Jeff Hamilton

Jeff Hamilton
Planning Hearing Officer

HH:JH:sm

CC: City Clerk (K.Cruz); Police Dept. (S.Bickle/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(D.Nickles); City Engineer and Traffic & Transportation Section (G.Tom); Director of Public Works (R. Golanian); General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power-Water Section (R.Takidin); Glendale Water & Power-Electric Section (M.Kelley/M.Jackson); Parks, Recreation and Community Services Dept. (E.Tatevosian); Neighborhood Services Division (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- Kristen Asp.