

May 19, 2014

James Matthews
13400 Riverside Drive
Sherman Oaks, CA 91423

**RE: 757 AMERICANA WAY, #E
ADMINISTRATIVE USE PERMIT NO. PAUP 1406962
(Pie Restaurant)**

Dear Mr. Matthews:

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 proposing the on-site sales, service and consumption of beer and wine at a proposed fast food restaurant (Pie Restaurant), located at **757 Americana Way, #E**, in the "DSP/TC" – Downtown Specific Plan – Town Center District, described as a Portion of Lot 11, Tract No. 68602 in the City of Glendale, County of Los Angeles.

PROJECT BACKGROUND

Project proposal

An application for an administrative use permit (AUP) to allow the sales, service, and on-site consumption of alcoholic beverages at a proposed fast food restaurant (Project Pie).

Previous Permits for the Site: None related to the proposed business.

Related Concurrent Permit Application(s): Building Permit No. BB1329357 - Tenant improvement plans for new restaurant.

Environmental Recommendation: The project is exempt from environmental review as a Class 1 "Existing Facilities" exemption pursuant to State CEQA Section 15301.

General Plan: Town Center Specific Plan

Zone: Downtown Specific Plan – Town Center District

Description of existing property and uses: The project site is a tenant space within the Americana at Brand. Uses within the Americana include multi-family residential, retail, restaurant and entertainment.

Neighboring zones and uses

| | Zoning | Existing Uses |
|--------------|--------|----------------------------------|
| North | TCSP | Retail and restaurant uses |
| South | TCSP | Retail and restaurant uses |
| East | TCSP | Retail and restaurant uses |
| West | TCSP | Retail and restaurant uses |
| Project Site | TCSP | Project Pie fast food restaurant |

COMMENTS FROM OTHER CITY DEPARTMENTS

No major concerns were received from the various city divisions/departments. Conditions were received from the Police Department to ensure that any potential negative impact will be appropriately mitigated. These conditions will be made part of the administrative use permit if the proposed project is approved.

PROJECT ANALYSIS

The applicant is requesting approval of an administrative use permit to allow the on-site sales, service and consumption of beer and wine at a proposed restaurant (Project Pie). The tenant space is located on the west side of Brand Boulevard, south of Caruso Avenue within the Americana at Brand. The applicant has received building permits to make tenant improvements at the restaurant and these improvements are progressing. Sales, service and consumption of alcoholic beverages in the “DSP/Town Center District” requires approval of an administrative use permit.

Overall, the applicant’s desire to serve beer and wine at Pie Restaurant is supportable based on the facts surrounding this application and the findings.

After considering the evidence presented with respect to this application, the Deputy Director – Planning and Neighborhood Services has **APPROVED** your request based on the following findings:

REQUIRED FINDINGS

A. That the proposed use will be consistent with the various elements and objectives of the general plan.

The sales, service and consumption of beer and wine at the proposed restaurant (Project Pie) will be consistent with the elements and objectives of the General Plan. The land use designation of the subject site is Downtown Specific Plan (DSP)-Town Center Specific Plan District, which encourages wide-ranging activities to maintain a dynamic environment. This District is comprised entirely of the Americana at Brand, which includes a mix of commercial retail and restaurant establishments and multi-family residential dwellings. The proposed restaurant will help facilitate an exciting, lively area, as desired by 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. Since the administrative use permit application only requests the sales, service and consumption of beer and wine at a 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 proposed 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. While the area contains more on-sale establishments than is suggested for the census tract, the project's downtown Glendale location encourages a concentration of restaurants. Customarily, restaurants serve alcoholic beverages as part of their food service and this request is a reasonable extension of the primary use.

The restaurant will be located at the Americana at Brand, a large shopping, dining and entertainment destination within downtown Glendale. There are no known churches, private or public schools or colleges, day care facilities or

hospitals near the proposed restaurant. Both the Green within the Americana at Brand, which is public open space, and the Central Park/Central Library complex are in the vicinity of the proposed restaurant. It is not anticipated that the proposed Project Pie restaurant will be detrimental to the Green given the small scale of the restaurant, the relative distance it is from these amenities and the fact that similar uses co-exist adjacent to it. The impact of the restaurant with beer and wine sales on the residential uses within the Americana should be minimal given the size of the restaurant and the fact that many restaurants and other commercial uses are already located in the area.

The proposed Project Pie restaurant is located in census tract 3023.01, which recommends three on-sale establishments. The Glendale Police Department reports that there are currently 14 on-sale establishments in this tract. While there are significantly more on-sale establishments in this area than is suggested, downtown Glendale is targeted to have a concentration of entertainment and dining destinations.

Based on Part 1 crime statistics for this census tract, there were 685 crimes, 1,042% above the city wide average of 60. While this area has more crime than in many other areas of the city, it has a high concentration of commercial development, which have a higher crime rate, compared to lower density residential areas, which typify much of the city. The Glendale Police Department and the Neighborhood Services Section did not cite concerns regarding this proposal.

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 consumption of alcoholic beverages at the proposed restaurant will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property. The Americana at Brand is a retail, entertainment and dining destination. 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. The project will not impede 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 request alcohol service at a restaurant.

The public open space within the Americana is located west of the proposed restaurant and the Central Park and Central Library are located east of the

proposed restaurant. Multi-family residential uses are located within the Americana. Given the commercial nature of the area, the number of existing restaurant in this area and the fact that the administrative use permit only requests to allow alcohol service at a proposed restaurant, the request for on-site alcohol service should not adversely impact either of these areas.

The recommended conditions will ensure that the restaurant with alcohol service will not conflict with any nearby uses. Section 30.64.020 of the Glendale Municipal Code provides for continuing jurisdiction over the use so that any adverse effects will not be allowed. The proposal and incidental serving of alcoholic beverages is not anticipated to cause any conflicts with surrounding development in the future.

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 increases in utility use or parking. Existing parking facilities are located on site at the Americana parking garage. 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.

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

For applications involving the sales, serving or consumption of alcoholic beverages, the following criteria set forth in Section 30.42.030 (F) shall be considered in making the findings in subsection A. through D. above:

- 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. This has been considered above in paragraph B.
- 2) That such use does not or will not tend to encourage or intensify crime within the district. This has been considered above in paragraph 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 care facility, public park, library, hospital or residential use). This has been considered above in paragraph B.

- 4) That the proposed use satisfies its transportation or parking needs has been considered above in paragraph D.
- 5) That the proposed use does or will serve a public necessity or public convenience purpose for the area has been considered above in paragraph A.

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 sufficient measures shall be enforced to effectively eliminate interior and exterior loitering, disturbing noise, disturbing light, loud conversation and criminal activities.
5. That the restaurant shall remain open to the public during business hours.
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 only beer and wine shall be served and only in conjunction with the consumption of food.
8. That the sale and serving of beer and wine shall be for consumption on the premises only.
9. That no exterior signs advertising the sales/service of alcoholic beverages are permitted.

10. That there shall be no bar or lounge area upon the premises maintained solely for the purpose of sales, service or consumption of alcoholic beverages.
11. 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. The service of alcoholic beverages shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control.
12. That no patron to the business establishment will be allowed to bring into or maintain in the establishment, any alcoholic beverage that was not purchased within that same establishment unless there is an established corkage policy allowing and regulating such.
13. 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 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 conflicts.
14. That the doors of the establishment shall be kept closed at all times while the location is open for business, except in case of emergency.
15. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash and graffiti.
16. That the facilities shall not be rented, leased or otherwise occupied for purposes not specified in this application.
17. That any expansion or modification of the facility or use which intensifies this administrative 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 Director of Community Development.
18. That the proposed restaurant adhere to the City's Fresh Air (smoking) Ordinance, Title 15, Chapter 8.52 of the Glendale Municipal Code.

19. That 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 Administrator of the City of Glendale.
20. That the authorization granted herein shall be valid for a period of five years until **May 19, 2019** 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 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 **JUNE 3, 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 (CDD), 633 East Broadway, Room 103, Monday thru Friday 12:00 p.m. to 5 p.m.

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 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, CONTINUING JURISDICTION

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over variances, conditional use permits and administrative use permits. To consider the revocation, the Planning Hearing Officer or Director of Community Development shall hold a public hearing after giving notice by the same procedure as for consideration of a variance at least ten (10) days notice by mail to the applicant or permittee. Continuing jurisdiction over any case is the purview of 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 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 case planner, Roger Kiesel at 818-937-8152 or rkiesel@glendaleca.gov.

Sincerely,



Timothy Foy
Deputy Director – Planning and Neighborhood Services

TF:RK: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 (Roubik Golanian/G.Tom); Director of Public Works and 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 – Roger Kiesel.