glendale california

City of Glendale
Community Development
Planning & Neighborhood Services

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May 20, 2015 REVISED MAY 26, 2015

Legendary Towers Glendale, LLC
Attn: Surj Soni
116 South Euclid Avenue
Pasadena, CA 91101

RE: 302 NORTH CENTRAL AVENUE
ADMINISTRATIVE USE PERMIT NO. PAUP 1503179

Dear Mr. Soni:

On May 18, 2015, pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30, the Interim Director of Community Development **APPROVED** your application for an administrative use permit to allow the sales, service, and on-site consumption of alcoholic beverages at a proposed full service restaurant in the "DSP/OC" - Downtown Specific Plan/Orange Central District Zone, located at **302 North Central Avenue,** described as a portion of Lot 12, Glendalia Park Tract, 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/OC – Downtown Specific Plan/Orange Central District.

APPLICANT'S PROPOSAL

(1) To allow the on-site sales, service, and consumption of alcoholic beverages at a full service restaurant.

ENVIRONMENTAL RECOMMENDATION

The project is exempt from CEQA review as a Class 1 "Existing Facilities" exemption, pursuant to State CEQA Guidelines Section 15301.

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 sales, service and consumption of alcoholic beverages at the restaurant 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)-Orange Central District, which encourages wide-ranging activities to maintain a dynamic environment. This District includes mostly low density retail. Currently; however, several large mixed use (commercial and residential) developments are under construction or have recently opened. The proposed restaurant helps 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 alcoholic beverages 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 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 Glendale Police Department and Neighborhood Services Division did not cite concerns related to this administrative use permit application.

The restaurant will be located within a new mixed use building in downtown Glendale. There are no known churches, private or public schools or colleges, day care facilities or hospitals near the proposed restaurant. It is not anticipated that alcohol service at the future restaurant will be detrimental to the Chess Park, a nearby public open space given the relative distance it is from this amenity and the fact that similar uses are located near it.

The future restaurant is located in census tract 3018.02, which recommends three on-sale establishments. The Glendale Police Department reports that there are currently 17 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 173 crimes, the city wide average. The Glendale Police Department 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 proposed on-site consumption of alcoholic beverages at the restaurant will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property. Downtown Glendale is a retail, entertainment and dining destination. The consumption of alcoholic beverages at the restaurant does not conflict with the adjacent and surrounding land uses. The project will not impede normal development within the surrounding area, since it is already fully developed and should not impede in any redevelopment, given the proposed administrative use permit only request alcohol service at a restaurant.

Chess Park is located east of the subject site. Given the commercial nature of the area, the number of existing restaurants in this area and the fact that the administrative use permit only requests to allow alcohol service at an existing restaurant, the request for on-site alcohol service should not adversely impact this park.

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 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 alcoholic beverages at the proposed restaurant will not result in inadequate public or private facilities. The project site is under construction with a mixed use building and associated facilities are existing. The serving of alcohol at an existing restaurant should not result in a significant increase in utility use. Major streets in the area including Brand Boulevard, Broadway, Central Avenue and California 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 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 that 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, 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 based on the comments submitted by the City of Glendale Police Department and as noted in Finding B.

2) That where the existing use is located in a crime reporting district with a crime rate which exceeds 20% of the city average for Part 1 crimes, as reported by the Glendale Police Department, such use does not or will not tend to encourage or intensify crime within the district. The proposed restaurant is not located in a district which exceeds 20% of the city average for Part 1 crimes as documented in Finding B.

3) That the existing or proposed use does not or will 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 as documented in Finding C.

4) That adequate parking and loading facilities are or will be provided for the existing use or other reasonable alternatives satisfy the transportation and parking needs of the existing or proposed use as documented in Findings C and D.

5) That, notwithstanding consideration of the criteria in subsections 1 through 4 above, alcoholic beverage sales, service and on-site consumption serves a public convenience for the area. The applicant's request for the on-site sales, service and consumption of alcoholic beverages at a full service restaurant serves 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 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 alcoholic beverages shall be served and only in conjunction with the consumption of food.

8. That the sale and serving of alcoholic beverages 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 beverages shall be made only in the areas designated with an 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 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.

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. Smoking is prohibited in the outdoor patio area, adjacent to the proposed restaurant.

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. No live entertainment is permitted without a "Live Entertainment Permit."

21. That authorization granted herein shall be valid for a period of **TEN (10) YEARS UNTIL MAY 20, 2025.**

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 (CDD) upon request and must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **JUNE 4, 2015**, 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.glendaleca.gov/appeal

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 administrative 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 an Administrative Use Permit at least 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 30.4 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, *Roger Kiesel*, who can be reached direction at *818-937-8152* or via email *rkiesel@glendaleca.gov*. This would include clarification and 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.

Sincerely,

Phil Lanzafame
Interim Director of Community Development

Laura Stotler
Principal Planner

LS: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); Director of Public Works (R.Golanian); Traffic & Transportation Section /G.Tom); 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. (J.Duran/T.Alexsanian); 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.