glendale california

City of Glendale
Community Development
Planning & Neighborhood Services

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October 2, 2015

Liquor License
Attn: Cindy Block
2222 Damon Street
Los Angeles, CA 90021

RE: 108 WEST WILSON AVENUE
ADMINISTRATIVE USE PERMIT CASE NO. PAUP 1517307
(PizzaRev)

Dear Ms. Block:

On October 2, 2015, pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.49, the Director of Community Development **APPROVED** your application for an Administrative Use Permit to allow the on-site sales, service, and consumption of beer and wine at a fast-food restaurant located at **108 West Wilson Avenue**, in the "DSP/BC" – Downtown Specific Plan/Broadway Center District, described as Portion of Lot 2, Track 4032, Parcel Map 269-31-32, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

(1) The sales, service and on-site consumption of beer and wine requires an Administrative Use Permit in the "DSP/BC" - Downtown Specific Plan/Broadway Center District.

APPLICANT'S PROPOSAL

(1) To allow the on-site sales, service, and consumption of beer and wine (Type 41) at a fast-food 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 WITH CONDITIONS**, based on the following:

A. That the proposed use will be consistent with the various elements and objectives of the General Plan.

The proposed use, a fast-food restaurant with beer and wine service, will be consistent with the various elements and objectives of the General Plan. The subject site is located in the Downtown Specific Plan (DSP) – Broadway Center District. This District is centrally located in the DSP and

it is adjacent to major retail, restaurant and commercial uses such as the Galleria, the Americana at Brand and the Arts and Entertainment District. The new fast-food restaurant will be a complementary service to the adjacent businesses. The service of beer and wine at a restaurant is a common request and natural extension of this type of business. The new restaurant will be consistent with the various elements and objectives of the General Plan and DSP/Broadway District given that the applicants requests only the ability for on-site sales, service and consumption of beer and wine.

The DSP identifies Brand Boulevard as a Signature Street and as a Pedestrian Priority/Transit Priority Street. It is Glendale's "Main" street. Wilson Avenue is identified as a Pedestrian Priority Street. Primary pedestrian streets give first priority to creating excellent conditions for pedestrians and are 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 Wilson Avenue as a minor arterial. Both streets are fully developed and are capable of accommodating all modes of travel.

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.

PizzaRev will be located in Census Tract 3018.02, which recommends three on-sale establishments and where there are currently 19 on-sale establishments. PizzaRev would be the twentieth on-sale establishment in this tract. Given its location in the DSP, allowance has been made to exceed concentration levels with the support of the City Council and the Glendale Police Department. The sales, service and consumption of beer and wine at this location is not anticipated to have a detrimental effect on the community.

Restaurants in this neighborhood frequently serve alcoholic beverages as part of their food service and such service is generally not associated with public drunkenness or other alcohol-related crimes. Based on Part 1 crime statistics for this census tract in 2013, there were 173 crimes which is neither above nor below the citywide average of 173. Neither the Glendale Police Department nor Neighborhood Services Division cited concerns related to this administrative use permit application. Recommended conditions of approval will ensure that crime should 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.

The use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property. PizzaRev will be a ground-level occupancy of a mixed-use residential development located at the southwest corner of Brand Boulevard and Wilson Avenue. The restaurant is located near major retail, restaurant and commercial uses such as the Glendale Galleria, the Americana at Brand, and the Maryland Arts and Entertainment District. These areas are shopping and dining destinations that draw customers from the surrounding community and cities. The consumption of beer and wine at PizzaRev should not conflict with the adjacent and surroundings land uses and, in fact, this type of use is encouraged in this area.

Furthermore, PizzaRev will not impede the normal development within the surrounding area, since it will occupy the ground floor of a new mixed-use development. Rather than impeding the redevelopment of Brand Boulevard, it will contribute to it. There are no known churches, private or public schools or colleges, day care facilities or hospitals in the immediate vicinity of the restaurant.

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.

Adequate public and private facilities such as utilities, landscaping, parking spaces and traffic circulation measures are provided for the proposed use and for the structure. PizzaRev will be located on the ground floor of a mixed-use building that is already providing adequate public and private facilities and infrastructure such as on-site parking in a subterranean parking garage. There will be spaces dedicated to the retail and restaurant uses on 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 (E) to be considered in making the findings in subsection A. through D. above have all been met and thoroughly considered:

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 as described above in finding B.

2) That such use does not or will not tend to encourage or intensify crime within the district as described above in finding 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) as described above in finding C.

4) That the existing use satisfies its transportation or parking needs as described above in finding D.

5) That the existing use does or will serve a public convenience purpose because the operation of a fast-food restaurant with on-site alcoholic beverage sales, service and consumption will be consistent the Downtown Specific Plan and General Plan as described above in finding 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 including the City Clerk shall be obtained and kept current at all times.

4. That at all times when the premises are open for business, the sales and service of beer and wine shall be made only in the areas designated with an ABC license. Consumption of alcoholic beverages will only be within those same licensed areas.

5. That the sales and service of beer and wine shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control.

6. There shall be no bar or lounge area on the premises maintained solely for the purpose of sales, service or consumption of beer and wine by patrons.

7. The sale of beer, and/or wine, for consumption off the premises is strictly prohibited.

8. That no patron to the business establishment will be allowed to bring into the establishment or maintain in the establishment, any alcoholic beverage unless that alcoholic beverage was purchased within the establishment, unless the facility has an established corkage policy allowing and regulating such.

9. That PizzaRev shall remain open to the public during business hours as a fast food restaurant as defined in Chapter 30.70 of the Glendale Municipal Code (G.M.C) and shall provide a menu containing an assortment of foods normally offered in such establishment. Food service shall be available at all times.

10. That the restaurant shall adhere to the City's Fresh Air (smoking) Ordinance, Title 8, Chapter 8.52 of the Glendale Municipal Code.

11. That the restaurant shall obtain annual encroachment permits for outdoor dining areas on city sidewalks pursuant to Section 12.08.035 of the Glendale Municipal Code.

12. That the facilities shall not be rented, leased or otherwise occupied for purposes not specified.

13. 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.

14. That any expansion or modification of the facility or use which intensifies the existing 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 Planning Hearing Officer, with concurrence from the Director of Community Development.

15. That no exterior signs advertising the sales/service of alcoholic beverages be permitted.

16. That no live entertainment shall be permitted without obtaining a "Live Entertainment Permit".

17. That all music, lighting, noise and odors shall be confined to the occupancy so as not to disturb occupants of other adjacent residences and businesses or properties and patrons on the public right-of-way. The Planning Hearing Officer's opinion shall prevail to arbitrate any conflicts.

18. That access to the premises shall be made available upon request to all City of Glendale authorized staff (i.e. Community Development Department, Planning and Neighborhood Services Division, Building and Safety Division, Fire Department, Police Department, etc.) for the purpose of verifying compliance with all laws and the conditions of this approval.

19. That a Business Registration Certificate shall be applied for and issued for a fast food restaurant with on-site sales, service, and consumption of beer and wine and subject to the findings and conditions outlined in this decision letter.

20. That authorization granted herein shall be valid for a period of 10 years until ***October 2, 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 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 **October 19, 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/appeals

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, Daniel Manasserian at (818) 937-8159 or dmanasserian@glendaleca.gov.

Sincerely,

Phil Lanzafame
Director of Community Development

Roger Kiesel
Planning Hearing Officer

RK:dm:mz

cc: City Clerk (K. Cruz); City Attorney's Dept. (G. van Muyden); Fire Prevention Engineering Section-(J. Halpert); Dir. Of Public Works (R.Golanian); Traffic & Transportation Section (W. Ko/S. Vartanian); General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (G. Tom/S. Boghosian); Glendale Water & Power--Electric Section (V. Avedian/B. Ortiz); Parks, Recreation and Community Services Dept. (T. Aleksanian); Neighborhood Services Division (S. Mirzaians); 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 Daniel Manasserian.