glendale california

City of Glendale
Community Development
Planning & Neighborhood Services

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May 5, 2016

The Americana at Brand, LLC.
Attn: Ken Greenberg
101 The Grove Drive
Los Angeles, CA 90036

RE: 177 CARUSO AVENUE
ADMINISTRATIVE USE PERMIT NO. PAUP 1602621
(Din Tai Fung Restaurant)

Dear Mr. Greenberg:

Pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.49, the Community Development Department processed your application for an administrative use permit (AUP) to allow the sales, service and on-site consumption of alcoholic beverages at an existing full-service restaurant, located at **177 Caruso Avenue.** in the "DSP - TCSP" – Downtown Specific Plan –Town Center Specific Plan District, described as Lot 14, Tract No. 68602, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

Administrative Use Permit

1) Sales, service and on-site consumption of alcoholic beverages requires an administrative use permit in the DSP - TCSP (Downtown Specific Plan – Town Center Specific Plan) District.

APPLICANT'S PROPOSAL

Administrative Use Permit

1) An administrative use permit to allow the on-site site sales, service and consumption of alcoholic beverages at an existing full-service restaurant.

ENVIRONMENTAL DETERMINATION

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

After considering the evidence presented with respect to this application, the Director of Community Development Department has **APPROVED WITH CONDITIONS** 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 alcoholic beverages at the expanded Din Tai Fung 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)/Town Center Specific Plan District, which encourages wide-ranging activities to maintain a dynamic environment. This District encompasses the Americana at Brand and is bounded by the Glendale Galleria to the north, Brand Boulevard to the east, Colorado Street to the south and Central Avenue to the west and includes a mix of entertainment, retail and restaurant establishments. Din Tai Fung is currently located within the Americana at Brand and fronts on Brand Boulevard. The proposed expansion of this restaurant will include a portion of the building currently used as a corridor between the valet parking station and Nordstrom. The expanded restaurant will continue to 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 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 expanded restaurant is located 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 expanded Din Tai Fung restaurant will be detrimental to The Green, a nearby open space within the Americana at Brand given the relative distance it is from this amenities and the fact that similar uses exist adjacent to it.

Din Tai Fung is located in census tract 3023.01, where three on-sale establishments are recommended. The Glendale Police Department reports that there are currently fifteen on-sale establishments in this tract. The subject request will not increase the number of on-sale establishments in the area as Din Tai Fung already serves alcoholic beverages; the restaurant is simply expanding. While there are 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 1,124 crimes, above the city wide average of 178. The Glendale Police Department did not cite concerns regarding this proposal and there were no calls for service at this location during the previous year.

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 expanded Din Tai Fung will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property. There are no known churches, private or public schools or colleges, day care facilities or hospitals near the restaurant. 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 any redevelopment, given the proposed administrative use permit only request alcohol service at a restaurant.

The Green is located within the Americana at Brand northeast of the existing restaurant. 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 the expanded restaurant, the request for on-site alcohol service should not adversely impact this area.

The recommended conditions will ensure that the restaurant with alcohol services 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 alcoholic beverages at the expanded restaurant will not result in inadequate public or private facilities. The project site is already

developed and associated facilities exist. The serving of alcohol at the expanded Din Tai Fung restaurant would not result in a significant increase in utility use. Major streets in the area including Brand Boulevard, Broadway and Colorado Street can adequately handle the existing traffic circulation adjacent to the site. Parking will be accommodated on site at the Americana at Brand.

REQUIRED ADDITIONAL FINDINGS OF FACT FOR AN AUP FOR ALCOHOL SALES, SERVICE AND CONSUMPTION:

That all the following criteria (set forth in Section 30.49.030) have been met and thoroughly 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 based on the comments submitted by the City of Glendale Police Department and as noted 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 documented above in finding C.

(4) That the existing use satisfies its transportation or parking needs as described above 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 compliance with the plans submitted with the application and any conditions made a part of the approval of this project.

2. That the applicant shall comply with all of the conditions contained in Chapter 5, Table 3 of the Town Center Specific Plan entitled "Conditions for On-Site Consumption Permits."

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 **May 20, 2016** at the Permit Services Center (PSC), 633 East Broadway, Room 101, Monday thru Friday 7:00 am to 12:00 pm, or at the Community Development Department (CDD), 633 East Broadway, Room 103, Monday thru Friday 12:00 pm to 5 pm.

APPEAL FORMS available on-line: http://www.glendaleca.gov/appeals

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 30.16.610 of the Glendale Municipal Code, 1995, provides for the Director of Community Development to have continuing jurisdiction over any Administrative Use

Permit which is or has been granted and may revoke any Administrative Use Permit in whole or in part at any time for failure to comply with any condition or requirement imposed at the time of approval.

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.

Cessation
An Administrative Use Permit may be terminated by the review authority upon any interruption or cessation of the use permitted by the Administrative Use Permit for one year or more in the continuous exercise in good faith of such right and privilege.

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 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,
Phillip Lanzafame
Director of Community Development

Erik Krause
Interim Deputy Director of Planning

RK:RK:sm

Cc: City Clerk (K.Cruz); Police Dept. (Lt.S.Bickle/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); 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 (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.