glendale california

City of Glendale
Community Development
Planning & Neighborhood Services

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July 20, 2016

Lou DeAngelis for Shake Shack
c/o Margaret Taylor for Apex LA
5419 Hollywood Boulevard, Suite C747
Los Angeles, CA 90027

RE: 252 SOUTH BRAND BOULEVARD #E
ADMINISTRATIVE USE PERMIT CASE NO. PAUP 1609175
(Shake Shack)

Dear Sirs/Ladies:

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 for on-site sales, service and consumption of beer and wine at a new fast food restaurant (Shake Shack), located at **252 South Brand Boulevard #E,** in the "DSP/M" (Downtown Specific Plan)/Maryland District., described as Portion of Lot 12 and Lots 13-17, Tract 2461 in the City of Glendale, in the County of Los Angeles.

CODE REQUIRES

Administrative Use Permit

1) The sales, service and on-site consumption of beer and wine requires an administrative use permit in the DSP/Maryland District.

APPLICANT'S PROPOSAL

Administrative Use Permit

1) An Administrative Use Permit for the sales, service and on-site consumption of beer and wine at a new fast food restaurant (Shake Shack).

ENVIRONMENTAL DETERMINATION

The project is categorically exempt from CEQA review as a Class 3 Construction of Small Structures exemption pursuant to State CEQA Guidelines Section 15303.

After considering the evidence presented with respect to this application, the Director of Community Development 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 applicant is requesting approval of an Administrative Use Permit (AUP) to allow on-site sales, service and consumption of beer and wine for a new fast food restaurant (Shake Shack). The zoning land use designation for the subject site is DSP/M (Downtown Specific Plan/ Maryland District), and the General Plan Land Use Element designation is Downtown Specific Plan. The purpose of the Maryland District is to encourage the concentration of dining and entertainment establishments to complement the arts, cultural and entertainment venues. The subject site is bounded by the Americana at Brand to the west, general commercial to the south across East Colorado Street, the Adult Recreation Center to the east and general commercial/office spaces (Masonic Temple) to the north. The service of beer and wine in conjunction with a meal at a bona fide fast food restaurant is appropriate for subject location, as it complements the Maryland District and will assist making downtown Glendale a more dynamic destination. Since the administrative use permit application only involves the sales, service and consumption of beer and wine at a fast food restaurant, other elements of the General Plan, including the Open Space, Recreation, Housing and Noise Element, 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 new fast food restaurant with on-site consumption of beer and wine will not be detrimental to the safety and public welfare of the neighborhood in general. While the area contains more on-sale establishments than suggested for the census tract, the Maryland District of the Downtown Specific Plan encourages the concentration of dining establishments with beer and wine services in the area. Customarily, restaurants serve beer and wine as part of their food service, and this request is a reasonable extension of the primary use of a fast food restaurant. There are no known churches, private or public schools or colleges, day care facilities or hospitals near the subject location. It is not anticipated the proposed on-site consumption of beer and wine will be detrimental to the Adult Recreation Center and the public green space ("The Green") at the Americana at Brand, given the fact that there are several existing dining establishments with on-site consumption of beer and wine within the Americana at Brand and the Maryland District already.

The subject site is located in census tract 3022.01, where three on-sale establishments are recommended. The Glendale Police Department reports there are currently 27 on-sale licenses in this tract, which Shake Shack would bring the total to 28. While there are more on-sale establishments in this census tract than recommended, the Maryland District of the Downtown Specific Plan

encourages the concentration of dining establishments to complement the art, cultural, retail and entertainment venues within downtown Glendale. Based upon Part 1 crime statistics for this census tract, there were 19 crimes above the citywide average of 178. The Glendale Police Department did not cite concern 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 sales, service and consumption of beer and wine at a new fast food restaurant will not adversely affect or conflict with adjacent uses or impede normal development of surrounding properties. Surrounding the property to the west is the Americana at Brand, general commercial establishments to the south, the Adult Recreation Center to the east and general commercial/office spaces (Masonic Temple – CBRE headquarters) to the north. The project will not impede normal development of the surrounding properties since the area is fully developed, given the proposed administrative use permit request is to serve beer and wine at a fast food restaurant. The recommended conditions will ensure the ancillary service of beer and wine 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 for incidental serving of beer and wine 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.

Adequate public and private facilities, such as utilities, landscaping, and traffic circulation measures are provided at the subject site. Shake Shack will be located in a 3,573 square-foot tenant space within a one-story, multi-tenant commercial building currently under construction. Recent building permits for the subject tenant space were approved by the Public Works and Glendale Water & Power Department. Utilities for water, electricity, sewer and trash will be provided to accommodate the new fast food restaurant. Parking Exception Case No. 1520674 and Administrative Exception Case No. 1524969 approved the development of a new parking lot located at the rear of the property consisting of 14 parking spaces (ten of which are in five pairs tandem spaces with stall lengths at 16-feet each). Access to the parking lot is from an existing alley accessed by East Colorado Street. As conditioned by the administrative exception approval, valet services will be provided for the entire building. It is not anticipated the applicant's request will create a negative traffic impact, as the service of beer and wine is not anticipated to significantly increase the amount of patrons to the fast food restaurant. Brand Boulevard and Colorado Street are identified as major arterial roadways by the City's Circulation Element, and are designed to handle the heaviest traffic volumes and distribute traffic to freeways, other arterials, collector streets and business centers within and outside of the City's boundaries.

A five foot wide landscaping strip will be provided between the public right-of-way and five parking stalls along East Colorado Street. The new landscaping will enhance the appearance of the property and will provide a visual buffer between the sidewalk and the parking stalls. Additionally, a new 24 inch box tree will be planted within the interior of the parking lot and adjacent to the concrete walkway providing pedestrian access to the tandem stalls.

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 findings B and C.

4) That the proposed use satisfies its transportation or parking needs as described above in finding 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 beer and wine at a new fast food 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 business 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 Section and all construction shall be in compliance with the Glendale Building Code and all other applicable regulations.

3. That all necessary licenses, approvals and permits as required from Federal, State, County or City authorities including the City Clerk shall be obtained and kept current at all times.

4. That an application for a new business registration certificate for a fast food restaurant (Shake Shack) with alcoholic beverage sales shall be submitted.

5. That the facilities shall not be rented, leased or otherwise occupied for purposes not specified in this application.

6. 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, increased hours of operation, changes to the use or operation, or any physical change as determined by the Director of Community Development.

7. That any expansion or modification of the facility or use which intensifies the required amount of parking shall require a new Parking Exception 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.

8. That signs for the subject tenant space shall comply with Sign Program Case No. 1602400.

9. That no exterior signs advertising the sales/service of beer and wine be permitted.

10. That the on-site sales, service and consumption of beer and wine at the restaurant shall be incidental to the selling of food.

11. That there shall be no public dancing or live entertainment allowed on the premises without further review of the existing Administrative Use Permit by the Director of Community Development.

12. That all music, lighting, noise and odors shall be confined to the occupancy so as not to disturb occupants of other businesses, adjacent properties and patrons on the public right-of-way.

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

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

15. That no beer and wine shall be sold to be taken from the premises by patrons for off-site consumption.

16. That there shall be no bar or lounge area upon the premises maintained solely for the purpose of sales, service or consumption of beer and wine by patrons.

17. That the premises shall maintain a bona fide restaurant and shall provide a menu containing an assortment of foods normally offered in such restaurant. Food service shall be available at all times and in all areas of the premises during normal operating hours.

18. 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.

19. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.

20. 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.

21. 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 Management Administrator of the City of Glendale. No trash containers shall be stored in any parking, driveway, or landscaping area.

22. That the premises shall be operated in full accord with applicable State, County, and local laws.

23. That 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.

24. That the restaurant adhere to the City's Fresh Air Ordinance, Title 15, Chapter 8.52 of the Glendale Municipal Code.

25. That delivery vehicles making deliveries to the subject business shall not be parked or stopped illegally in the public rights-of-way.

26. That authorization granted herein shall be valid for a period of **TEN (10) YEARS UNTIL *JULY 20, 2026.***

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 **August 4, 2016,** 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

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 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 (Joe Dennis at 818.937.8157 / djoe@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,
Phillip Lanzafame
Director of Community Development

Bradley Collin
Planning Hearing Officer

EK::DJ: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 (J. Jouharian,); Integrated Waste Management Admin. (D. Hartwell); Maintenance Services Section Admin. (D. Hardgrove); Street and Field Services Admin.; Environmental Management (M. Oillataguerra); and case planner Dennis Joe.