glendale california

City of Glendale
Community Development
Planning & Neighborhood Services

633 E. Broadway, Room 103
Glendale, CA 91206-4311
Tel 818.548.2140 Tel 818.548.2115
Fax 818.240.0392 ci.glendale.ca.us

September 15, 2016

Mr. Thomas Law Jr.
24207 Larkspur Court
Valencia, CA 91354

RE: 3210 GLENDALE GALLERIA
ADMINISTRATIVE USE PERMIT CASE NO. PAUP 1614109
(Blaze Pizza)

Dear Mr. Law:

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 to allow the sales, service, and on-site consumption of beer and wine at an existing fast food restaurant in the "DSP" - Downtown Specific Plan– Galleria District, located at **3210 Glendale Galleria**, described as 5642-001-082 / Vac. St., Alley, Portion Of Blk 3 Mb 5 - 167, Portion Of Tract No.1736, Portion Of Mb 6 – 168, 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 – Galleria District.

APPLICANT'S PROPOSAL

1) To allow the on-site sales, service, and consumption of beer and wine (Type 41) at an existing 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 has been **APPROVED WITH CONDITIONS** is based on the following 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 the on-site sales, service, and consumption of beer and wine at an existing fast food restaurant.

According to City records, the existing fast food restaurant, "Blaze Pizza", has operated at this location since 2014. Prior to "Blaze Pizza", the tenant space was occupied by Sbarro, a full service restaurant, from 2000. The subject site is located in the DSP Galleria District and the General Plan Land Use Element designation is DSP - Galleria District. Goods and services offered in this zone generally attract clientele from the surrounding regional community, as well as from the adjoining residential neighborhoods and neighboring commercial businesses. The sales, service and consumption of beer and wine within an existing restaurant at this location is appropriate in an area of the city zoned for commercial uses and will continue to provide an option for the dining public to enjoy beer and wine with their meals.

The proposed use will be consistent with the elements and objectives of the General Plan. The land use designation of the site is DSP – Galleria, and the Glendale Galleria district is fully developed with a regional shopping center, providing a range of retail, restaurant and service uses. The project site is surrounded by other complementary businesses within the Glendale Galleria, as well as in the adjacent Americana at Brand. Residential neighborhoods are located adjacent to the DSP area and residential developments are located to the north along Central Avenue and Orange Street, but do not abut the project site. The project site is fully developed and is not identified for any future open space, or recreation use; the Glendale Galleria is a fully enclosed shopping mall, so no noise effects are anticipated. Therefore, other elements of the General Plan, including Open Space, Recreation, Housing, and Noise Elements, will not be impacted as a result of the applicant's request. This application does not include any added floor area or modifications to the existing building or tenant space, so there will be no increase in required parking for the use. The Glendale Galleria has its own multi-level parking structure, located adjacent to the tenant space. Adequate utilities and traffic circulation measures are already provided. The applicant's request to allow the on-site sales, service and consumption of beer and wine with meals is not anticipated to create any negative traffic-related impacts over and above the existing conditions.

The Circulation Element identifies South Central Avenue as a major arterial. It is fully developed and can adequately handle the existing traffic circulation around the site. The project site is surrounded by commercially zoned properties, and residential uses to the west on South Columbus Avenue, and the applicant's request to serve beer and wine with meals is not anticipated to create any negative traffic-related impacts on South Central Avenue and other businesses over and above the existing conditions.

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 on-site sales, service, and consumption of beer and wine at the existing fast food restaurant will not be detrimental to the health, safety and public welfare of the neighborhood in general. The subject tenant space within the Glendale Galleria has operated as a restaurant since 2000. "Pie in the Sky Pizza, LLC DBA Blaze Pizza", the 2,200 square-foot fast food restaurant use, received its Business Registration Certificate No. CBRC 1406980 on July 10, 2014. The prior use was full service restaurant, Sbarro, had been in operation from January 2000 (Certificate of Use and Occupancy No. UO-00024, issued January 14, 2000, and also Zoning Use Certificate 20060519, approved on August 24, 2006, for a change in ownership).

The on-site sales, service, and consumption of beer and wine at the existing fast food restaurant will not be detrimental to the safety and public welfare of the neighborhood in general. According to the Glendale Police Department, the subject property is located in Census Tract 3023.01, where the suggested limit for on-sale alcohol establishments is three. Currently, there are 14 on-sale establishments located in this tract and "Blaze Pizza" will be the 15th license in this tract. Based on Part 1 crime statistics for this Census Tract, there were 1,124 crimes in 2014, 1,302 crimes above the citywide average of 173. As noted by Police Lt. Scott Bickle, the majority of these crimes are related to auto burglaries and shoplifting from the Americana and Galleria, and that any time there is a large retail area that has loss prevention programs, the Police Department sees these high numbers. The incidental sale of beer and wine with meal service is not expected to add to the crime statistics.

C. That the use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property.

It is not anticipated that the on-site sales, service and consumption of beer and wine at the existing fast food restaurant will be detrimental to the community or adversely conflict with the community's normal development. A restaurant use has operated at this location since 2000 without any major incident, including "Blaze Pizza", established in 2014. The request to allow the addition of on-site sales, service and consumption of beer and wine with meals is not anticipated to adversely conflict with surrounding properties as it will be ancillary to the primary use, a restaurant. The subject property is surrounded by other complementary businesses, including retail and service uses with residential neighborhoods located in the vicinity. The consumption of beer and wine with food at the existing fast food restaurant will not conflict with the adjacent land uses.

There are two churches within half a mile of the subject site: Niscience Foundation Sanctuary located at 336 West Colorado Street (0.4 miles to the south), and Glendale Presbyterian Church, located at 125 South Louise Street (0.4 miles to the south-east). Allan F Daily High School, located at 220 North Kenwood Street, is over 0.5 miles from the restaurant space, and Columbus Elementary School, located at 425 West Milford Street, is 0.8 miles from the subject tenant space. While these facilities and uses are within close proximity, given the internal location of the restaurant within the indoor shopping mall (Glendale Galleria II) and the orientation of both churches and schools in relation to the subject property, it is not anticipated that the applicant's request will impede their existing operations.

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 allow the service of beer and wine at the fast food restaurant will not result in inadequate public or private facilities. The project site is already developed and associated facilities are existing. The existing fast food restaurant, "Blaze Pizza", has been operating at this location since 2014. The multi-level parking garage provides parking for all of the Glendale Galleria businesses. The existing parking has proven to be sufficient for the various employees and patrons, aside from the holiday period when off-site parking is provided for Glendale Galleria employees, and has not resulted in conflicts with nearby businesses or residential development. South Central Avenue, as identified in the Circulation Element, is a fully developed major arterial and 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 30.49.030 (E) to be considered in making the findings in subsection a. through d. above have all been met and thoroughly considered:

1) That 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. The sale of beer and wine incidental to food service at the existing restaurant site does not, or will not, tend to encourage or intensify crime within this reporting district as noted in Finding B above.

2) That where the existing or proposed use is located in a crime reporting district with a crime rate which exceeds 20 percent 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 because conditions have been included in the approval of this application to ensure that any potential negative impacts will be appropriately mitigated. As noted in Finding B above, the crime rate in Census Tract 3023.01 is significantly above the city average for Part 1 crimes. However, as noted by the Glendale Police Department staff, the majority of the crimes are related to auto burglaries and shoplifting from the Americana and Galleria. No evidence has been presented that would indicate that the on-site sales, service and consumption of beer and wine at the subject site would encourage or intensify crime within the district.

3) That the existing or proposed use does not or will not adversely impact any other uses within the surrounding area (church, public or private school or college, day care facility, public park, library, hospital or residential use). As noted in Finding C above, there are two churches within the immediate area of the subject site. While these facilities and uses are within close proximity, given the orientation of both churches in relation to the subject property, to the north and south respectively, it is not anticipated that the applicant's request will impede their existing operations.

4) That adequate parking and loading facilities are or will be provided for the existing or proposed use or other reasonable alternatives satisfy the transportation and parking needs of the existing or proposed use. As noted in Findings C and D above, the applicant's request is not anticipated to increase the need for public or private facilities. The ancillary service of beer and wine at the existing fast food restaurant, "Blaze Pizza" is not anticipated to intensify traffic circulation or parking demand. The site is fully developed and adequate parking and loading facilities are currently provided in the Glendale Galleria's parking structures.

5) That, notwithstanding consideration of the criteria in subsections 1 through 4 above, alcoholic beverage sales, service and on-site consumption does serve a public

convenience for the area. The applicant's request to allow the on-site sales, service and consumption of beer and wine at an existing full service restaurant does serve 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 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.

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

4. 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.

5. 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.

6. 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.

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

8. That all signs displayed shall conform to the requirements of the Glendale Municipal Code.

9. That any expansion or modification of the facility or use which intensifies the existing business 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.

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

11. That no patrons of the restaurant shall be allowed to bring into the establishment any beer and wine that were purchased from outside of the establishment, unless the facility has an established corkage policy allowing and regulating such.

12. That at all times when the premises are open for business, the service of beer and wine shall be made only in the areas as designated with the ABC license.

13. That the restaurant shall remain open to the public during business hours.

14. That there shall be no video machine(s) maintained on the premises.

15. That access to the premises shall be made available to all City of Glendale Planning and Neighborhood Services Divisions, Police Department, and Fire Department staff upon request for the purpose of verifying compliance with all laws and conditions of this approval.

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

17. That authorization granted herein shall be valid for a period of 10 years until ***September 15, 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 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 **September 30, 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 – 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 30.4 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, 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, Vilia Zemaitaitis at (818) 937-8154 or vzemaitaitis@glendaleca.gov.

Sincerely,

Phil Lanzafame
Director of Community Development

Erik Krause
Planning Hearing Officer

EK:VZ: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 – Vilia Zemaitaitis.