

October 21, 2014

BJ's Restaurant, Inc.
C/o Golden Property Development LLC.
Attention: Mark Fernandez
10 South Grant Street
Roseville, CA 95678

**RE: 101 NORTH BRAND BOULEVARD
ADMINISTRATIVE USE PERMIT CASE NO. PAUP 1420696
(BJ's Restaurant and Brewhouse)**

Dear Mr. Fernandez:

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 on-site sales, service, and consumption of beer, wine and distilled spirits and retail sales of beer at an existing full-service restaurant (BJ's Restaurant and Brewhouse) located at **101 North Brand Boulevard**, in the 'DSP'-Downtown Specific Plan - Broadway Center District Zone, described as Parcel 1 and Portion of Parcel 2, Parcel Map No. 1583, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

- (1) On-site sales, service and consumption of beer, wine and distilled spirits and retail sales of beer at an existing full-service restaurant (BJ's Restaurant and Brewhouse) requires an Administrative Use Permit in the Downtown Specific Plan – Broadway Center District.

APPLICANT'S PROPOSAL

- (1) On-site sales, service and consumption of beer, wine and distilled spirits and retail sales of beer at an existing full-service restaurant (BJ's Restaurant and Brewhouse).

ENVIRONMENTAL RECOMMENDATION

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

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 existing use 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, which are major shopping and dining destinations that draw customers from the surrounding community and cities. BJ's Restaurant and Brewhouse has sold a full-range of alcoholic beverages since August 2007. The restaurant is a complementary service to the adjacent businesses and is anticipated that it will continue to be consistent with the various elements and objectives of the General Plan and DSP/Broadway District given that the applicant requests the ability to continue on-site sales, service and consumption of alcoholic beverages and off-site sales of beer.

The DSP identifies Brand Boulevard as a Signature street and as a Pedestrian Priority/Transit Priority Street. It is Glendale's "Main" street. Broadway 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 Broadway as a minor arterial. Both streets are fully developed and adequately handle the existing traffic circulation.

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.

BJ's Restaurant is in Census Tract 3018.02, which recommends three on-sale establishments and where there are currently 17 on-sale establishments. BJ's Restaurant and Brewhouse is the one of the restaurants selling alcohol in this census tract. Based on Part 1 crime statistics for this census tract, this tract exceeded the city average by 134 percent. BJ's Restaurant has continuously been selling beer, wine and distilled spirits since 2007 without incident. Neither the Police Department nor the Neighborhood Services Division cited concerns related to this administrative use permit application. 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. Continuing the sale, service and consumption of alcohol is not anticipated to have a detrimental effect on the community.

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

BJ's Restaurant and Brewhouse is ground-level occupancy of a commercial office tower located at the northwest corner of Brand Boulevard and Broadway. The restaurant is located adjacent to major retail, restaurant and commercial uses such as the Galleria, the Town Center 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 alcoholic beverages at BJ's and its retail sales of beer from its brewery do not conflict with the adjacent and surroundings land uses and, in fact, this type of use is encouraged in this area. Furthermore, BJ's will not impede the normal development within the surrounding area, since it is already fully developed and should not impede in any redevelopment of Brand Boulevard, given the proposed administrative use permit only requests to continue alcohol sales. There are no known churches, private or public schools or colleges, day care facilities or hospitals near the restaurant. Residential uses and neighborhoods are located nearby, but do not adjoin the project site.

D. That adequate public and private facilities such as utilities, landscaping, parking spaces and traffic circulation measures are provided for the existing use.

The administrative use permit application request is to continue the sales, service and consumption of alcoholic beverages and retail sales of beer at the restaurant. BJ's Restaurant is an established business that has operated at this site for several years. It is located on the ground floor of existing commercial office building that is already providing adequate public and private facilities and infrastructure such as on-site parking. No significant changes are anticipated as part of this request.

Furthermore, this request requires additional findings of fact be made, as follows:

For applications involving the sales, serving or consumption of alcoholic beverages, the following criteria shall be 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 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 full-service restaurant with continued on-site alcoholic beverage sales, service and consumption and off-site sales of beer 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 any alcoholic beverage shall be made only in the areas designated with an ABC license. Consumption of alcoholic beverages will only be on those same licensed areas.
5. That the sales and service of alcoholic beverages shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control.
6. That the hours and sales of alcoholic beverages shall be in accord with the State of Department of Alcoholic Beverage Control.

7. 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.
8. That BJ's Restaurant shall remain open to the public during business hours as a full-service 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.
9. That the existing restaurant shall adhere to the City's Fresh Air (smoking) Ordinance, Title 15, Chapter 8.52 of the Glendale Municipal Code.
10. That the facilities shall not be rented, leased or otherwise occupied for purposes not specified.
11. 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.
12. That no exterior signs advertising the sales/service of alcoholic beverages be permitted.
13. That no live entertainment shall be allowed.
14. 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.
15. 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.
16. That a Business Registration Certificate shall be applied for and issued for a full service restaurant with on-site sales, service, and consumption of beer, wine and distilled spirits and off-site sales of beer, subject to the findings and conditions outlined in this decision letter.
- 17. That authorization granted herein shall be valid for a period of (Ten) 10 years until October 21, 2024.**

APPEAL PERIOD, TIME LIMIT, LAPSE OF PRIVILEGES, TIME EXTENSION:

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 **NOVEMBER 5, 2014**, 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://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.

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 sold, 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 \$1,000.00, or imprisonment for a term not to exceed six months, or by both fine and imprisonment. Infractions are punishable by a fine not exceeding the sum of \$500.00 for each violation.

Violations of conditions required by this determination may be grounds for a revocation.

REVOCAION, CONTINUING JURISDICTION

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over administrative use permits.

To consider the revocation, the Director of Community Development Department, shall hold a public hearing after giving notice by the same procedure as for consideration of an Administrative 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 Director of Community Development.

GMC CHAPTER 30.41 PROVIDES FOR

TERMINATION: Every right or privilege authorized by an Administrative Use Permit shall terminate two 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.

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

EXTENSION: Administrative Use Permit granted by such right or privilege may be requested one time and extended for up to a maximum of one 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 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 such variance.

NOTICE – subsequent contacts with this office

The applicant is further advised that all subsequent contacts with this office regarding this determination must be with the undersigned who acted on this case. 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.

Sincerely,



Erik Krause
Planning Hearing Officer

EK: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); Dir. of Public Works (R.Golianian); Traffic & Transportation Section /G.Tom); General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (R.Takidin/G.Tom/S.Boghosian); Glendale Water & Power--Electric Section (V.Avedian/B.Ortiz); Parks, Recreation and Community Services Dept. (J.Duran/A.Teresanian); 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-Christopher Baxter