

December 10, 2015

Spencer Regnery
1309 Post Avenue
Torrance, CA 90501

**RE: 2284 HONOLULU AVENUE
ADMINISTRATIVE USE PERMIT NO. PAUP 1518910
(STARBUCKS)**

Dear Mr. Regnery:

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 beer and wine at an existing fast food restaurant, located at **2284 Honolulu Avenue**, in the "CR" - Commercial Retail zone, described as Lot 44, Tract No. 1701, 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 CR (Commercial Retail) zone.

APPLICANT'S PROPOSAL

Administrative Use Permit

- 1) An administrative use permit to allow the on-site site sales, service and consumption of beer and wine at an existing fast food 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 beer and wine at the existing Starbucks

will be consistent with the elements and objectives of the General Plan. The subject site has a land use designation of Community/Services. The Montrose Shopping Park, where the Starbucks is located, is a pedestrian oriented area popular both during the day and evening and comprised of a mix of commercial establishments, including retail/services, offices, and restaurants. Starbucks is classified as a fast food restaurant and located in the CR Zone where restaurants are allowed consistent with the Community/Services Commercial land use designation of the Land Use Element. Serving beer and wine in conjunction with bona fide food service is a common ancillary use for restaurants. To ensure Starbucks functions as a restaurant, a condition of approval has been added requiring that customers ordering beer and wine also order food. Since the administrative use permit application only requests the sales, service and on-site consumption of beer and wine, other elements of the General Plan 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 existing business is considered and will continue to be a fast food restaurant and, as conditioned, beer and wine cannot be ordered without food service. The area contains more on-sale establishments than is suggested for the census tract. The addition of Starbucks will only slightly increase this over-concentration of alcoholic service in the tract. Montrose Shopping Park has a concentration of retail and restaurant uses and serves as a "hub" for the surrounding community and a regional draw. The fact that there is an over-concentration of licenses is not an issue for the Police Department or Neighborhood Services. Typically, serving of alcoholic beverages as part of food service does not create problematic situations. Conditions of project approval, including prohibiting service of alcoholic beverages prior to 5:00 p.m., and requiring beer and wine to be served in glass containers directly to the customer, will ensure the use will not be detrimental to public safety. No evidence has been presented in the past or present which would indicate that the restaurant would adversely impact any church, public or private school or college, day care facility, public park, library, hospital or residential use within the surrounding area. As previously indicated, the fast food restaurant has been operating at this location for the past three years. The service of alcoholic beverages will be ancillary to the primary fast food restaurant use.

In 2014, there were 203 Part 1 crimes, above the city wide average of 173 for census tract 3006. Within the last calendar year (December 2014 through August 2015), there were two call for police services at the subject

Starbucks. However, no reports were taken. Suggested conditions of approval provide by the Glendale Police Department have been included in this approval. These conditions will ensure that implementation of this administrative use permit application will not be detrimental.

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

The subject Starbucks is located in the Montrose Shopping Park, a pedestrian area with a high concentration of retail and restaurant uses. The business has existed for the past three years and has not adversely affected or conflicted with adjacent uses or impeded the normal development of surrounding establishments and property. Starbucks, with the ability to sell and serve beer and wine for on-site consumption, will be complementary to the current mix of uses operating in the area. The Montrose Shopping Park is already fully developed and, thus this request will not impede development of the surrounding neighborhood. The incidental serving of beer and wine is not anticipated to cause any conflicts with surrounding development in the future. This area is designated as a retail/commercial service area and, therefore, the ability of Starbucks to serve beer and wine should not negatively impact any redevelopment of the area. Section 30.64.020, Glendale Municipal Code provides for continuing jurisdiction over the use so that any adverse effects will not be allowed.

There are no known day care facilities, churches or public parks in the immediate vicinity. The nearest residential units are located along Florencita Drive, north of the property across the street from public parking lot number three. In addition, there is a private school located on the 2300 block of Florencita Drive, northwest of the subject site and the Montrose Branch Library located on the 2400 block of Honolulu Avenue, approximately 0.5 miles west of the subject site. As previously noted, the business has been operating since 2012 without any problems. Conditions of approval for this AUP, targeting the sales and service of beer and wine have been added to this approval. As a result, the sale, service and on-site consumption of beer and wine at the existing fast food restaurant is not expected to negatively impact the neighborhood.

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 use. Parking is available south of the subject property on a large City of Glendale-owned

parking lot (lot #'s 1 and 7). In addition, there is a third City-owned public parking lot located north of the subject site (lot # 3). In February 2012, the Planning Hearing Officer approved with conditions Parking Reduction Permit Case No. PPRP 2001-004 to allow the operation of a fast food restaurant without providing the required number of parking spaces. The addition of beer and wine at Starbucks should not increase to any significant degree the need for additional parking spaces.

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 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 vision for Montrose Shopping Park included in the North Glendale Community 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 within 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 sales, service or consumption of alcoholic beverages shall be permitted only between the hours of 5:00 p.m. and 10:00 p.m. each day of the week.
- 7) There shall be no bar or lounge area on the premises maintained solely for the purpose of sales, service or consumption of alcoholic beverages by patrons.
- 8) That the sale of beer and wine for consumption off the premises is strictly prohibited.
- 9) That beer and wine shall only be served in single-serving transparent glassware and not disposable containers.
- 10) That the sale and service of beer and wine is available only in conjunction with food service.
- 11) 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.
- 12) That Starbucks 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).
- 13) That the existing fast food restaurant shall adhere to the City's Fresh Air (smoking) Ordinance, Title 8, Chapter 8.52 of the Glendale Municipal Code.

- 14) That the facilities shall not be rented, leased or otherwise occupied for purposes not specified.
- 15) 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.
- 16) That all employees of the fast food restaurant shall be required to attend and be certified for alcohol awareness training.
- 17) That beer and wine shall be delivered by staff in readily identified glassware to customers 21 years of age and older.
- 18) That beer and wine must remain inside the premises or full table service is required with the ability to maintain visual observations on those consuming beer and wine in the patio area.
- 19) 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.
- 20) That no exterior signs advertising the sales/service of alcoholic beverages be permitted.
- 21) That no live entertainment shall be allowed.
- 18) That no dancing shall be allowed.
- 19) That there shall be no video machine maintained upon the premises.
- 20) That the premises shall be maintained in a clean orderly condition, free of weeds, trash, and graffiti.
- 21) 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.
- 22) That access to the premises shall be made available upon request to all City of Glendale authorized staff (i.e. 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.

- 23) That prior to the issuance of a Business Registration Certificate, the applicant must provide proof of an issued ABC license.
- 24) 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.
- 25) 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 subject to the findings and conditions outlined in this decision letter.
- 26) That the applicant shall comply with all applicable conditions of Parking Reduction Permit Case No. PPRP 2011-004.
- 27) That the applicant shall comply with all applicable conditions of Conditional Use Permit Case No. PCUP 2011-019.
- 28) That authorization granted herein shall be valid for a period of **THREE (3) YEARS UNTIL DECEMBER 10, 2018.**

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 **December 28, 2015**, 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.

REVOCAION, 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



Roger Kiesel
Planning Hearing Officer

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-(D.Nickles); 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 Milca Toledo.