glendale california

City of Glendale
Community Development Department
Planning Division

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January 17, 2018

Viroj Watana of Watana Inc and Kat Trust dba House of Pies
c/o Wil Nieves
21250 Hawthorne Boulevard, #700
Torrance, CA 90503

RE: **513 EAST COLORADO STREET**
ADMINISTRATIVE USE PERMIT NO. PAUP 1726033
(House of Pies)

Dear Mr. Nieves:

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 alcoholic beverages at a new full-service restaurant in the "DSP" - Downtown Specific Plan - East Broadway District, located at **513 East Colorado Street,** City of Glendale, County of Los Angeles.

CODE REQUIRES

(1) The sales, service and on-site consumption of alcoholic beverages requires an Administrative Use Permit in the DSP – East Broadway District.

APPLICANT'S PROPOSAL

(1) To allow the on-site sales, service, and consumption of alcoholic beverages (Type 47) at a new full-service 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, and the analysis by Community Development Department staff, this Administrative Use Permit application is **APPROVED WITH CONDITIONS** based on the following:

A. That the proposed use will be consistent with the various elements and objectives of the general plan.

The proposed use will be consistent with the City's General Plan's nine (9) Elements (sections): Land Use, Housing, Circulation, Historic Preservation, Open Space and Conservation, Recreation, Noise, Safety and Air Quality.

- Land Use – The project site is located within the East Broadway (EB) District of the Downtown Specific Plan of the General Plan Land Use Element. The EB District was created with the adoption of the City's first mixed-use districts and builds upon the mixed-use, moderate density of the area with newer mixed-use projects including upper level housing and retail on Broadway. A 24-hour full service restaurant serving alcoholic beverages is appropriate in an area of the city zoned for commercial and higher density housing uses and will provide a dining and drinking amenity to commercial and residential tenants in the area; therefore, it is consistent with the desired land use for this district.

- Housing – The Housing Element contains six (6) major goals. Two are pertinent to this project: Goal 2, "A city with high quality residential neighborhoods that are attractive and well designed" and Goal 6, "A city with housing that is livable and sustainable." Goal 2 includes plans to improve the quality of life in lower income census tracts in southern Glendale. The project site is located in Census Tract 3022.01 which has the lowest median household income of any Census Tract in Glendale per the 2010 Census. Goal 6 also includes plans to address the needs of south Glendale including ensuring walkable neighborhoods with mixed-uses and neighborhood amenities. The presence of a 24-hour full service restaurant serving alcoholic beverages may enhance the walkability of the neighborhood – partially by helping attract workforce from neighboring commercial areas to remain in the city after business hours – and may help provide "eyes on the street" to encourage pedestrian activity. Further, it will provide a dining and drinking amenity to neighboring housing units which may improve quality of life for those residents.

- Circulation – The Circulation Element designates the portions of Glendale Avenue and Colorado Street located at this site as "Major Arterials." The predominant use and character of frontage property for both Major Arterials include neighborhood and community commercial and the character of the street type is to distribute traffic among major traffic generators including regional uses. A 24-hour full service restaurant serving alcohol is an appropriate use for this street type.

- Historic Preservation – The project site is not located within or adjacent to a historic district, and the site buildings are not of historic significance.

- Open Space and Conservation –The project site is not located within or adjacent to any open space or natural resource. The activity being evaluated under this application, "on-site sales, service, and consumption of alcoholic beverages" does not directly pertain to the subject of resource conservation.

- Recreation – The site is not identified for a park use in the Recreation Element. The project site is located within walking distance (1/4 mile) to Glendale's Central Park and thus the new restaurant with alcohol sales will provide an eating amenity within walking distance of the park.

- Noise – The project site is located on two streets recommended by the Noise Element not to exceed a noise level of 70 CNEL (Community Noise Equivalent Level, a weighted average sound level over a 24-hour period with 60 CNEL being appropriate for residential neighborhoods). Condition numbers 3, 13 and 16 of this permit application address potential noise impacts to the community from this project.

- Safety – The Safety Element calls for ongoing management of local crime by the Police Department. The Police Department reviewed this project and reported it will be located in census tract 3022.01 where the suggested limit by Alcoholic Beverage Control (ABC) for on-sale alcohol establishments is three. Currently, there are 21 on-sale establishment licenses located in this tract, and the applicant's request would be the 22nd license in this tract. Based on arrests and Part 1 (violent and property) crime statistics in year 2016 for this census tract, there were 213 crimes which is 10% above the citywide average of 194. The Police Department has suggested conditions of approval that have been included in the staff recommendation to ensure there are no negative impacts to the public health, safety, and general welfare.

- Air Quality – The project ("on-site sales, service, and consumption of alcohol") is not a source of or contributor to air pollution; however, Condition number 18 requires the project to comply with the City's Fresh Air Ordinance.

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 alcoholic beverages at a full-service restaurant is not anticipated to be detrimental to the community or adversely conflict with the community's normal development. The project has been reviewed by the Police Department and the Divisions of Neighborhood Services, Building & Safety and Planning within the Community Development Department to identify potential negative impacts of the project on the public health, safety, general welfare or environment. As more fully described in Finding A, the project has been found to be consistent with and appropriate to the adjacent land uses and not a likely source of harmful environmental, noise or safety impacts to the community. Conditions include measures to help prevent any such potential impacts on the community from this project. Given these facts, the use and its associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment.

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

The consumption of alcoholic beverages with food at the restaurant will not conflict with the adjacent land uses because it is ancillary to the primary restaurant use. The project site is located within the East Broadway (EB) District of the Downtown Specific Plan of the General Plan Land Use Element. The EB District is a mixed-use district supporting commercial and housing uses. A 24-hour full service restaurant serving alcohol is appropriate in this area and will provide a dining and drinking amenity to commercial and residential tenants in the area; therefore it is consistent with the desired land use for this district. Within walking distance (1/4 mile) to the site, there are four churches to the west along Colorado Street, one park (Central Park on Colorado Street and Louise Street), and one hospital (Ark Family Center located at 135 South Jackson street north of Harvard Street). While these facilities and uses are within close proximity, the nature of alcohol consumption with meal service is not anticipated to impede the existing operations of the neighboring uses. Suggested conditions of approval made by the Police Department have been incorporated into the staff recommendation to ensure any potential negative impacts will be appropriately mitigated. Therefore, the project is not anticipated to be detrimental to the community or adversely conflict with the community's normal development because the consumption of alcohol with food is ancillary to the primary restaurant use.

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.

This application does not include any new floor area or proposed modifications to the existing site, which was developed as a commercial site and has been utilized by commercial uses for decades. The subject multi-tenant building will be remodeled and additional landscaping is proposed. The addition of a new restaurant at this site which was previously occupied by a furniture retail use qualifies for exemption of additional parking requirements under GMC 30.32030(C); therefore, there will be no increase in required parking. Adequate utilities and traffic circulation measures are already provided. As identified in the Circulation Element, both Glendale Avenue and Colorado Street are fully developed "Major Arterial" streets and can adequately handle the existing traffic circulation adjacent to the site.

REQUIRED ADDITIONAL FINDINGS OF FACT FOR AN ADMINISTRATIVE USE PERMIT (AUP) FOR ALCOHOL SALES, SERVICE AND CONSUMPTION

That the following criteria set forth in Glendale Municipal Code Section 30.49.030 (E) be considered in making the findings in subsection A. through D. above.

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**. The sale of alcohol for on-site consumption that is incidental to food service at the proposed new restaurant site does not or will not tend to encourage or intensify crime within this reporting district as noted in the "Safety" section of Finding A and 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.** As noted in the "Safety" section of Finding A, the crime rate in Census Tract 3022.01 is 10% above the city average for Part 1 crimes. No evidence has been presented that would indicate that the on-site sales, service and consumption of alcoholic beverages at a new full-service restaurant at the subject site would encourage or intensify crime within the district. Suggested conditions of approval from the Police Department have been incorporated into the staff recommendation to ensure any potential negative impacts will be appropriately mitigated.

3) **That the existing or proposed use does not or will not 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 noted in Finding C above, four churches, one park, and one hospital are located within ¼ mile (walking distance) of the project site. Also located in walking distance are three schools (a grade school, high school and professional training school) and one daycare/preschool, as well as single- and multi-family residential. While these facilities and uses are within close proximity, the nature of alcoholic beverage consumption with meal service is not anticipated to impede

the existing operations of the neighboring uses. Suggested conditions of approval made by the Police Department have been incorporated into the staff recommendation to ensure any potential negative impacts will be appropriately mitigated.

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**. The site is fully developed and adequate parking and loading facilities are currently provided. The ancillary service of alcoholic beverages at the proposed new full-service restaurant, "House of Pies," is not anticipated to intensify traffic circulation or parking demand.

5) **That, notwithstanding consideration of the criteria in subsections 1 through 4 above, the existing or proposed use does or will serve a public necessity or public convenience purpose for the area.** The applicant's request to allow the on-site sales, service and consumption of alcoholic beverages at a proposed new 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 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 and exterior loitering, parking congestion, 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 alcoholic beverages by patrons.

6. That the service of alcohol 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 weeds, 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 patrons of the restaurant shall be allowed to bring into the establishment any alcoholic beverages that were purchased from outside of the establishment, unless the facility has an established corkage policy allowing and regulating such.

11. That at all times when the premises are open for business, the service of alcoholic beverages shall be made only in the areas as designated with the ABC license.

12. That the restaurant shall remain open to the public during business hours. If the establishment has a private party during normal business hours, the restaurant still needs to remain open for business to regular customers.

13. 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.

14. That the front and back doors to the restaurant shall be kept closed at all times while the location is open for business, except in case of emergency.

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

16. That music or noise shall be contained within the edifice of the establishment. The business shall comply with the state and local laws and ordinances concerning excessive noise and disturbing the peace.

17. 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.

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

19. That no exterior signs advertising the service of alcohol shall be permitted.

20. That live entertainment is permitted with the exception that no karaoke, no bikini activities or events, no lingerie activities or events, no swimwear activities or events, nor any similar activities or events be allowed where partial clothing of male or female entertainment is provided. A Live Entertainment permit must be obtained in accordance with G.M.C 5.60.

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

22. Sales, service or consumption of alcoholic beverages shall be permitted only between the hours of 6 a.m. to 2 a.m. seven days per week.

23. That authorization granted herein shall be valid for a period of ***TEN (10) YEARS UNTIL JANUARY 17, 2028.***

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 **February 1, 2018** 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, Cassandra Pruett at (818) 937-8186 or cpruett@glendaleca.gov

Sincerely,
Philip Lanzafame
Director of Community Development

Laura Stotler
Planning Hearing Officer

VZ:CP: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-(J.Halpert); Traffic & Transportation Section (P.Casanova); General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (G. Tom/S. Boghosian/R.Takidin); Glendale Water & Power--Electric Section (B. Alshanti/B.Ortiz/E.Olsen); Parks, Recreation and Community Services Dept. (T. Aleksanian); Neighborhood Services Division (R.Sada/J.Jouharian/); Integrated Waste Management Admin. (D. Hartwell); Maintenance Services Section Admin. (D. Hardgrove/J.Cawn); Street and Field Services Admin.; Engineering and Environmental Management (C.Chew/R. Villaluna); and case planner – Cassandra Pruett.