

June 1, 2015

Kim Oganessian  
1401 Wynkoop Street  
Denver, CO 90202

**RE: 155 NORTH BRAND BOULEVARD  
ADMINISTRATIVE USE PERMIT NO. PAUP 1504426  
(CHIPOTLE)**

Dear Ms. Oganessian:

On May 27, 2015, pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.49, the Interim Director of Community Development **APPROVED** your application for an Administrative Use Permit to allow the on-site sales, service, and consumption of alcoholic beverages at a fast-food restaurant located at **155 North Brand Boulevard**, in the "DSP/BC" - Downtown Specific Plan/Broadway Center District, described as Portion of Lot 2, Tract 4032, Parcel Map 269-31-32, in the 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/BC" – Downtown Specific Plan/ Broadway Center District.

#### APPLICANT'S PROPOSAL

(1) To allow the on-site sales, service, and consumption of all types of alcoholic beverages (Type 47) at a 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 is **APPROVED WITH CONDITIONS**, based on the following:

**A. That the existing use will be consistent with the various elements and objectives of the General Plan.**

The sales, service and consumption of alcoholic beverages at the Chipotle Mexican Grill restaurant will be consistent with the elements and objectives of the General Plan. The land use designation of the subject site is "DSP/BC" - Downtown Specific Plan/Broadway Center District, which encourages wide-ranging activities to maintain a dynamic environment. This District is bounded by Wilson Avenue to the north, Brand Boulevard to the east, Broadway to the south and Central Avenue to the west and includes a mix of office, retail and restaurant establishments. Chipotle Mexican Grill is located in a mixed use building. The restaurant will help facilitate an exciting, lively area, as desired by the DSP. Serving alcoholic beverages in conjunction with bona fide food service is a common ancillary use for restaurants and will further assist in making downtown Glendale a dynamic destination. Since the administrative use permit application only requests the sales, service and consumption of alcoholic beverages at a restaurant, other elements of the General Plan, including the Open Space, Recreation, Housing and Noise Elements, 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 proposed on-site consumption of alcoholic beverages at the restaurant will not be detrimental to the safety and public welfare of the neighborhood in general. While the area contains more on-sale establishments than is suggested for the census tract, the project's downtown Glendale location encourages a concentration of restaurants. Customarily, restaurants serve alcoholic beverages as part of their food service and this request is a reasonable extension of the primary use.

The restaurant is located within downtown Glendale. There are no known churches, private or public schools or colleges, day care facilities or hospitals near the proposed restaurant. It is not anticipated that alcohol service at Chipotle Mexican Grill will be detrimental to Chess Park, a nearby public open space given the relative distance it is from this amenities and the fact that similar uses exist near it.

Chipotle Mexican Grill is located in Census Tract 3018.02, which recommends three on-sale establishments. There are currently 17 on-sale establishments. Based on Part 1 crime statistics for this census tract, this tract exceeded the city average by 31%. However, neither the Police Department nor the Neighborhood Services Division cited concerns related to this administrative use permit application. Given its location in the DSP, the sale, service and consumption of alcohol is not anticipated to have a detrimental effect on the community.

Furthermore, conditions placed on the approval of the project will ensure that it will not adversely impact nearby businesses and residential uses.

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

Chipotle Mexican Grill will be a ground-level occupancy of a mixed-use residential development located at the southwest corner of Brand Boulevard and Wilson Avenue. The restaurant is located near 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 Chipotle Mexican Grill would not conflict with the adjacent and surrounding land uses and, in fact, this type of use is encouraged in this area. Furthermore, Chipotle Mexican Grill will not impede the normal development within the surrounding area, since it will occupy the ground floor of a mixed-use development. Rather than impeding the redevelopment of Brand Boulevard, it will contribute to it. 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 or will be provided for the proposed use and for the structure.**

The applicant's request to serve alcoholic beverages at the restaurant will not result in inadequate public or private facilities. The project site is already developed and associated facilities are existing. The serving of alcohol at a restaurant should not result in a significant increase in utility use. Major streets in the area including Brand Boulevard, Broadway and Wilson Avenue 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 and as noted in Finding B.

- 2) That where the existing use is located in a crime reporting district with a crime rate which exceeds 20% 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. The proposed restaurant is located in a district which exceeds 20% of the city average for Part 1 crimes; however, the request to serve alcoholic beverages will not encourage or intensify crime within the district as described above in finding B.
- 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 documented in Finding C.
- 4) That adequate parking and loading facilities are or will be provided for the existing use or other reasonable alternatives satisfy the transportation and parking needs of the existing or proposed use as documented 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 alcoholic beverages at a 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 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 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 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.
7. That the sale of alcoholic beverages for consumption off the premises is strictly prohibited.
8. 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.
9. That the restaurant 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) and shall provide a menu containing an assortment of foods normally offered in such establishment. Food service shall be available at all times.
10. That the sales, service, and consumption of alcoholic beverages shall be permitted only between the hours of 11 a.m. to 11 p.m. each day of the week.
11. That the restaurant shall adhere to the City's Fresh Air (smoking) Ordinance, Title 15, Chapter 8.52 of the Glendale Municipal Code.
12. That the facilities shall not be rented, leased or otherwise occupied for purposes not specified.
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 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.
15. That no exterior signs advertising the sales/service of alcoholic beverages be permitted.
16. That no live entertainment shall be allowed.

17. 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.
18. 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.
19. That a Business Registration Certificate shall be applied for and issued for a fast food restaurant with on-site sales, service, and consumption of alcoholic beverages subject to the findings and conditions outlined in this decision letter.
20. That authorization granted herein shall be valid for a period of 10 years until **JUNE 1, 2025.**

#### **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 **JUNE 16, 2015**, 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/appeal>**

#### **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 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over administrative 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 an Administrative Use Permit at least 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.

### **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, Greg Mirza-Avakyan, who can be reached at 818-937-8162 or via email [gmirza-avakyan@glendaleca.gov](mailto:gmirza-avakyan@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,

Phil Lanzafame  
Interim Director of Community Development



Erik Krause  
Planning Hearing Officer

EK:GM: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); Director of Public Works (R.Golanian); Traffic & Transportation Section /G.Tom); General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (R.Takidin); Glendale Water & Power--Electric Section (M.Kelley/M.Jackson); Parks, Recreation and Community Services Dept. (J.Duran/T.Alexsanian); 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-Greg Mirza-Avakyan.