

March 6, 2017

Nareg Khodadadi
417 Arden Avenue
Glendale, CA 91203

**RE: 108 NORTH GLENDALE AVENUE
ADMINISTRATIVE USE PERMIT NO. PAUP 1627851**

Dear Mr. Khodadadi:

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 sale of beer and wine for on-site consumption at a new fast-food restaurant in the "C2" – Community Commercial Zone, located at **108 North Glendale Avenue**, described as Portions of Lots 22, 24, and 26, Block 12, Glendale Tract as per map recorded in 14 Miscellaneous Records – pages 95-96, in the office of the Recorder, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

(1) The sale of beer and wine for on-site consumption requires an Administrative Use Permit in the "C2" – Community Commercial Zone.

APPLICANT'S PROPOSAL

(1) To allow the sale of beer and wine (Type 41) for on-site consumption at a new fast-food restaurant.

ENVIRONMENTAL DETERMINATION

The project is 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 has **APPROVED WITH CONDITIONS** your request based on the following findings:

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 based on the following:

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

The subject site is located in the C2 (Community Commercial) Zone and the General Plan Land Use Element designation is Commercial-Community Services. Goods and services offered in this zone generally attract clientele from the adjoining residential neighborhoods as well as the surrounding community. The sales, service, and consumption of beer and wine within a new fast-food restaurant is appropriate in an area of the city zoned for commercial uses and will provide an option for the public to enjoy beer and wine with their meals.

The on-site sales, service, and consumption of beer and wine at the new fast-food restaurant will be consistent with the elements and objectives of the General Plan. The land use designation of the site is Commercial-Community Services where retail services along a major arterial, such as North Glendale Avenue, are desired. The new fast-food restaurant is surrounded by other complementary businesses. The Land Use Element is the most directly related to the approval of this use. All 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 includes expanding the floor area by 225 square-feet within the existing building footprint. The purpose of the expansion is to provide additional space for cooking facilities. Since the change of use is within a historic resource, there will be no increase in required parking. The request to provide beer and wine as an ancillary use will not impact the existing parking and landscaping conditions. The existing on-site parking is non-conforming in terms required amount of spaces but will remain as is, per G.M.C. 30.32.030. 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 on North Glendale Avenue 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 new fast-food restaurant will not be detrimental to the health, safety and public welfare of the neighborhood in general. According to the Glendale Police Department, the subject property is located in Census Tract 3020.03 where the suggested limit for on-sale alcohol establishments is three. Currently, there is one other on-sale establishments located in this tract and "Creamy Spoon" will be the second license in this tract. Based on Part 1 crime statistics for this Census Tract, there were 57 crimes in 2015, 64 percent below the citywide average of 178. Within the last calendar year, there were no calls for police service at this location. The Police Department has suggested conditions of approval to ensure that there are no negative impacts to the public health, safety, 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.

It is not anticipated that the on-site sales, service and consumption of beer and wine at the new fast-food restaurant will be detrimental to the community or adversely conflict with the community's normal development. The applicant's request to allow the 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 fast-food restaurant. The subject property is surrounded by other complementary businesses, including restaurant, retail, and service uses.

There are four public facilities within the immediate area of the subject site: Glendale Civic Center/City Hall at 613 E Broadway (0.1 miles to the west), Glendale Seventh Day Adventist Church and Pre-School at 610 East California Avenue (0.2 miles to the northwest), Zion Lutheran Church and Pre-School at 517 East California (0.3 miles to the northwest), and Glendale Spanish Seventh Day Adventist Church at 901 East Broadway (0.2 miles to the southeast). While these facilities and uses are within close proximity, the applicant's request will not impede the operation of such uses since they are not directly adjacent to the new fast-food restaurant.

The Circulation Element identifies North Glendale 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. The applicant's request to serve beer and wine with meals is not anticipated to create any negative traffic-related impacts on North Glendale Avenue and other businesses over and above the existing conditions.

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 a new fast-food restaurant will not result in inadequate public or private facilities. The building is already developed with similar uses on the ground floor. The request to provide beer and wine as an ancillary use will not impact the existing parking and landscaping conditions. The existing on-site parking is non-conforming in terms required amount of spaces but will remain as is, per G.M.C. 30.32.030. 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 on North Glendale Avenue over and above the existing conditions. North Glendale 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 for on-site consumption that is 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 does not exceed 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 3018.02 is at four percent above the city average for Part 1 crimes. In addition, 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, a public elementary school and a park within the immediate area of the subject site. While these facilities and uses are within close proximity, given the location of these uses in relation to the subject property, 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 new fast-food restaurant, "Creamy Spoon" is not anticipated

to intensify traffic circulation or parking demand. The site is fully developed and adequate parking and loading facilities are currently provided.

- 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 a new fast-food 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 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. That beer and wine shall be sold with meals and may not be sold independent of meal service. Food service shall be available at all times and in all areas of the premises during normal operating hours.
5. Sales, service, or consumption of beer and wine shall be permitted only between the hours of 8:00 a.m. to 9:00 p.m. each day of the week.
6. 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.
7. 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.
8. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.

9. That all signs displayed shall conform to the requirements of the Glendale Municipal Code.
10. 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.
11. That no beer and wine shall be sold to be taken from the premises by patrons for off-site consumption.
12. 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.
13. 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 Alcoholic Beverage Control (ABC) license.
14. That the restaurant shall remain open to the public during business hours.
15. That the front door to the restaurant shall be kept closed at all times while the location is open for business, except in case of emergency.
16. That there shall be no video machine(s) maintained on the premises.
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 beer and wine shall be permitted.
20. That live entertainment is not permitted.
21. An establishment that primarily provides for the on-premises sale, serving and consumption of alcoholic beverages and that derives more than fifty (50) percent of gross revenues from the sale of alcoholic beverages is by definition of the code a "tavern" and requires approval of a separate conditional use permit. Taverns include bars, pubs, cocktail lounges and similar establishments.

22. That a Business Registration Certificate be applied for and issued for a fast-food restaurant with the on-site sales, service, and consumption of alcoholic beverages, subject to the findings and conditions outlined in this decision letter.
23. 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.
24. That authorization granted herein shall be valid for a period of **FIVE (5) YEARS UNTIL MARCH 6, 2022.**

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 **March 21, 2017** 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.

REVOCAION, 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.

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.

Case No. PAUP 1627851
108 North Glendale Avenue

Should you have any questions regarding this issue, please do not hesitate to contact the case planner, Daniel Manasserian at (818) 937-8159 or dmanasserian@glendaleca.gov.

Sincerely,

Philip Lanzafame
Director of Community Development



Laura Stotler
Planning Hearing Officer

LS:DM: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 (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 (r.Sada/J.Jouharian); Integrated Waste Management Admin. (D. Hartwell); Maintenance Services Section Admin. (D. Hardgrove); Street and Field Services Admin.; Engineering and Environmental Management (C.Chew/R. Villaluna); and case planner Danny Manasserian.