

April 25, 2018

Janelle Williams
Williams Land Use Services
2418 Honolulu Avenue, Unit "B"
Montrose, CA 91020

**RE: 2201 HONOLULU AVENUE
ADMINISTRATIVE USE PERMIT NO. PAUP 1723293
(Gus & Andy's Montrose Grill)
(for Alcohol)**

SEE: (1) PARKING REDUCTION PERMIT NO. PPRP 1723295
(2) ADMINISTRATIVE USE PERMIT NO. PAUP 1723291 (for Fast Food)

Dear Applicant:

On April 25, 2018, the Planning Hearing Officer conducted and closed a public hearing, pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.49, the Community Development Department processed your application for Administrative Use Permit No. PAUP 1723293, to allow the on-site sales, service and consumption of alcohol, located at **2201 Honolulu Avenue – PAUP 1723293**, in the "CR" – Commercial Retail Zone, described as Portions of Lots 71 and 72, Tract No. 1701, in the City of Glendale, in the County of Los Angeles.

CODE REQUIRES

- (1) Approval of an Administrative Use Permit is required for the sales, service and on-site consumption of alcoholic beverages in the "CR" zone.

APPLICANT'S PROPOSAL

- (1) An Administrative Use Permit to allow the on-site sales, service and consumption of alcohol within the proposed fast food restaurant in the "CR" zone.

ENVIRONMENTAL DETERMINATION:

The project is exempt from CEQA review as a Class 1 "Existing Facilities" exemption pursuant to State CEQA Guidelines Section 15301 because the project involves interior and exterior alterations, such as interior partitions, plumbing, and electrical work.

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, the Planning Hearing Officer was able to make the required findings and therefore, the Administrative Use Permit (for alcohol) is **APPROVED WITH CONDITIONS**, subject to the following findings and conditions of approval:

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

A fast food restaurant with the sales, service, and on-site consumption of alcohol will be consistent with the various elements and objectives of the General Plan for the area. The Land Use Element of the Glendale General Plan designates the subject site as Commercial Regional, which typically features goods and services with a wide appeal and drawing power to the area. A fast food restaurant with the sales, service, and on-site consumption of alcohol will also be consistent with the North Glendale Community Plan Town Center land use designation on the property which encourages restaurants that serve the local community. The subject property is located within the Montrose Shopping Park, which is similar to a large outdoor mall; whereby, patrons park in one spot and walk to the various shops, services, and dining destinations. A fast food restaurant land use with the sales, service and on-site consumption of full alcohol, offers a complementary element to commercial activity within the Montrose Shopping Park.

The project site is located at the corner of Honolulu Avenue and Montrose Avenue/Verdugo Road. The Circulation Element identifies Honolulu Avenue as an Urban Collector, and Montrose Avenue and Verdugo Road, both as, Major Arterials. The functional purpose of urban collectors is to distribute traffic from connecting local streets onto major/minor arterial streets. Urban collectors also serve light truck traffic (to a lesser extent than minor arterials), service as transit routes, and are candidates for bicycle lanes or routes. The functional purpose of major arterial streets is to handle the heavier traffic volumes and distribute traffic to freeways, collector streets and business centers within and outside of the City's boundaries. Provided Honolulu Avenue and Montrose Avenue/Verdugo Road are designed to accommodate various types of commercial use, and the project site had been utilized as a full-service restaurant for the past 20 years, the project is consistent with the Circulation Element.

Last, the subject use shall be required to comply with the City's Noise Ordinance (Chapter 8.36 Noise Control) and, as such, will be consistent with the Noise Element. Serving alcoholic beverages in conjunction with bona fide food service is a common ancillary use for restaurants and will further assist in making Glendale a dynamic destination. Given that the project site is already developed and the administrative use permit application requests a fast food restaurant within a CR zone, as well as the sales, service and on-site consumption of alcohol at the proposed 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. Therefore, the proposed use is in keeping with the various elements and objectives of the General Plan.

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 fast food restaurant and the sales, service, and on-site consumption of alcoholic beverages will not be detrimental to the safety and public welfare of the neighborhood in general. According to the Glendale Police Department, Gus & Andy's Montrose Grill restaurant is located in Census Tract 3006, where seven on-sale establishments are allowed. There are currently 25 on-sale establishments in this tract.

Based on Part 1 crime statistics for this Census Tract, there were 225 crimes reported in the census tract, which is slightly higher than the citywide average of 194. Restaurants frequently serve alcoholic beverages as part of their food service and such service is not associated with public drunkenness or other alcohol-related crimes. Within the last calendar year there were no calls for service at this location. Neither the Glendale Police Department nor Neighborhood Services Division cited concerns related to these administrative use permits. Furthermore, recommended conditions of approval would ensure that crime would not be intensified.

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

The sales, service and on-site consumption of alcoholic beverages at the proposed fast food restaurant is not anticipated to be detrimental to the community or adversely conflict with the community's normal development. In 2007, the previous full service restaurant, Rocky Cola Café, was allowed by an approved conditional use permit (Conditional Use Permit No. PCUP2007-008) to allow the sales, service and on-site consumption of beer and wine. In 2012, Rocky Cola Café was approved by a conditional use permit (Conditional Use Permit No. 1220685) to upgrade the existing alcoholic beverage license to allow the sales, service and on-site consumption of all types of alcoholic beverages. As a result, the proposed use has operated at this location in the past for approximately a decade and without any recent known issues on record.

The applicant proposes to serve alcoholic beverages in conjunction with a meal at the restaurant's main dining area, or to individually serve alcoholic beverages at an ancillary bar seating/dining area. The proposed use is described by the applicant as being a fast food restaurant, as opposed to being a tavern (bar). A recommended condition is provided to restrict the establishment to derive no more than fifty (50) percent of gross revenues from the sale of alcoholic beverages, otherwise this establishment would be a "tavern" by definition of the code and a separate conditional use permit would be required. Last, the project site is not located close to a church, public school, day care facility, library, public park, or hospital use. While residential uses are located nearby, a restaurant use with on-site consumption of alcoholic beverages had existed at this location in the past without any know issues on record for many years. Condition have been added which will ensure the function of this restaurant and the sales of all types of alcoholic beverages is in compliance with municipal codes and state laws. The proposed sales, service and consumption of alcoholic beverages at a fast food restaurant is not anticipated to adversely impact other neighboring uses.

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.

Gus & Andy's Montrose Grill will be located within an existing one story, 2,986 square foot commercial building constructed in 1923. Utilities for water, electricity, sewer and trash are currently provided subject site. The commercial building occupies most of the lot and was constructed without any on-site parking spaces or landscaping. There are space restrictions on the property that prevent additional on-site parking or landscaping to enhance the curb

appeal of the building or additional benefit to the neighborhood. The applicant's request is not expected to create a negative traffic related impact, as it is not anticipated that the on-site sales, service and consumption of alcohol beverages in conjunction with a meal will significantly increase the amount of patrons to the fast-food service restaurant.

A Parking Reduction Permit (Case No. PPRP 172395) has been approved to reduce the number of required off-street parking spaces for the proposed fast food restaurant. A parking study was prepared by the applicant to evaluate the demand of parking spaces within a specific study area of the Montrose Shopping Park, which concluded that there are adequate amount of parking spaces available at the three nearby city parking facilities, as well on-street within the immediate area, to accommodate the change of use.

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 to be considered in making the findings in subsection a. through d. above have all been met and thoroughly considered:

- a) According to the Glendale Police Department, Gus and Andy's Montrose Grill is located in Census Tract 3006, where seven on-sale establishments is the recommended limit. There are currently 25 on-sale establishments in this tract. Neither the Glendale Police Department nor Neighborhood Services Division cited concerns related to this administrative use permit. Furthermore, recommended conditions of approval would ensure that any potential negative impacts will be appropriately mitigated. Therefore, it is not anticipated that this use will contribute to any adverse impacts on the surrounding area.
- b) No evidence has been presented which would indicate that a proposed fast food restaurant with sales, service, and on-site consumption of alcoholic beverages in this location would encourage or intensify crime within the district. Based on Part 1 crime statistics for this Census Tract, there were 225 crimes reported in the census tract, which is slightly higher than the citywide average of 194. Restaurants frequently serve alcoholic beverages as part of their food service and such service is not associated with public drunkenness or other alcohol-related crimes. Within the last calendar year there were no calls for service at this location. Neither the Glendale Police Department nor Neighborhood Services Division cited concerns related to this administrative use permit. Suggested conditions made by the Police Department have been included to ensure that any potential negative impacts will be appropriately mitigated.
- c) It is not anticipated that the applicant's request to serve alcohol at the proposed restaurant will 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 described above in Finding B and C above, there are no public facilities within the same vicinity; the applicant's request to operate a fast food restaurant with sales, service and on-site consumption of alcohol from this location is not anticipated to adversely impact other neighboring uses in this area. Additionally, the project is conditioned to ensure the function of this restaurant and sale of alcoholic beverages is in compliance with all municipal codes and state law.

- d) That the proposed use satisfies its transportation or parking needs as described in Finding D above because adequate access, parking and delivery spaces are available to serve this use.
- e) Furthermore, the applicant's request to allow the sales, service and on-site consumption of alcoholic beverages at the proposed 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 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 a Business Registration Certificate shall be applied for and issued for a fast food restaurant with sales, service, and on-site consumption of alcoholic beverages, subject to the findings and conditions outlined in this decision letter.
4. That this administrative use permit is issued in tandem with Parking Reduction Permit - PPRP 1723295 and shall remain in force as long as the fast food restaurant operates in compliance with the conditions of approval for Administrative Use Permit - PAUP1723291.
5. 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.
6. That sufficient measures shall be enforced to effectively eliminate interior and exterior loitering, parking congestion, disturbing noise, disturbing light, loud conversation, and criminal activities.
7. That the service of alcoholic beverages shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control.
8. That all music, lighting, noise and odors shall be confined to the occupancy so as not to disturb occupants of other adjacent business or properties and patrons on the public right-of-way. The business shall comply with all state and local laws and ordinances concerning excessive noise and disturbing the peace.
9. That no lighting shall be installed or maintained that shines or reflects onto adjacent properties.

10. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.
11. That a sidewalk dining permit shall be required for tables and seating on the public right-of-way.
12. That there shall be no video machines maintained upon the premises.
13. That no speaker systems shall be installed on the south or east side of the building.
14. That there shall be no dancing at any time on the premises.
15. That no live entertainment shall be permitted without obtaining a "Live Entertainment Permit." 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.
16. That no alcoholic beverages shall be sold to be taken from the premises by patrons for off-site consumption.
17. That no patrons of the restaurant shall be allowed to bring into the establishment any alcoholic beverage that was purchased from outside of the establishment, unless the facility has an established corkage policy allowing and regulating such.
18. That the restaurant shall remain open to the public during business hours.
19. That the sales, service, or consumption of alcoholic beverages shall be permitted only between the hours of 9:00 a.m. to 11:00 p.m. seven days a week.
20. That the premises shall be operated in full accord with applicable State, County, and local laws.
21. 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.
22. That no exterior signs advertising the sales/service of alcoholic beverages shall be permitted.
23. That the premises shall be maintained as a fast food restaurant and shall provide a menu containing an assortment of foods normally offered in such establishment. Food service shall be available at all times and in all areas of the premises during normal operating hours.
24. That 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.

25. That the proposed restaurant adheres to the City's Fresh Air (smoking) Ordinance, Title 15, Chapter 8.52 of the Glendale Municipal Code.
26. That any expansion or modification of the facility or use which intensifies this Administrative Use Permit (AUP) shall require a new Administrative Use Permit. Expansion shall constitute adding floor area, changes to the use or operation, or any physical changes as determined by the Planning Hearing Officer with concurrence from the Director of Community Development.
27. That authorization granted herein shall be valid for a period of **TEN (10) YEARS UNTIL APRIL 25, 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 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 **May 10, 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 5:00 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 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 Planning Hearing Officer, with concurrence by 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 (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.

2201 HONOLULU AVENUE
ADMINISTRATIVE USE PERMIT NO. PAUP 1723293 (alcohol)
(Gus & Andy's Montrose Grill)

Should you have any questions regarding this issue, please do not hesitate to contact the case planner, Dennis Joe at (818) 937-8163 or djoe@glendaleca.gov.

Sincerely,



Laura Stotler
Planning Hearing Officer

LS:DJ:sm

CC: City Clerk (K.Cruz); Police Dept. (A.Jenks/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 – Dennis Joe.