



**CITY OF GLENDALE, CALIFORNIA**

Community Development  
Planning

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Glendale, CA 91206-4311  
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glendaleca.gov

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February 7, 2019

Sandra Robles  
444 East Huntington Drive  
Arcadia, CA 91006

**RE: 322 AMERICANA WAY  
ADMINISTRATIVE USE PERMIT NO. PAUP 1825665  
(Pacific Theaters Glendale 18)**

Dear Applicant:

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 on-site sales, service and consumption of alcoholic beverages at an existing movie theater in the DSP Zone, Town Center District, located at **322 Americana Way**, described as Lot 15, Tract No. 68602 in the City of Glendale, County of Los Angeles.

CODE REQUIRES

(1) The on-site sales, service and consumption of alcoholic beverages requires an administrative use permit in the DSP/TCSP – Downtown Specific Plan/Town Center Specific Plan District.

APPLICANT'S PROPOSAL

(1) To allow the on-site sales, service and consumption of alcoholic beverages at an existing movie theater.

ENVIRONMENTAL DETERMINATION

The project is exempt from CEQA review per State CEQA Guidelines Section 15301, Class 1 "Existing Facilities", because the movie theater is existing within an existing mixed use building.

**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 Director of Community Development has **APPROVED WITH CONDITIONS** this Administrative Use Permit application based on the following findings:

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

The proposed use (on-site sales, service and consumption of alcoholic beverages at an existing movie theater) will be consistent with the General Plan. The project site is located

within the Downtown Specific Plan (DSP) Zone. The Downtown Specific Plan seeks to preserve and enhance the aspects which provide each district its unique character, while improving the attractiveness and livability of the Downtown area. The Town Center District contains the Americana at Brand and, as a significant regional retail and entertainment destination, the Town Center plays an important role in the direction of development in other Downtown districts. The Pacific Theaters Glendale 18 movie theater has been in operation since 2008, when the Americana at Brand opened. Serving alcoholic beverages, as is being proposed, while a relatively new amenity offered in cinemas, is consistent with the entertainment focus the city is encouraging in downtown Glendale and the Americana specifically. Movie theaters are a common entertainment use and the service of alcoholic beverages in conjunction with concessions and a movie is a natural extension of this use.

The project does not include any new or changes to residential units, so the project will not affect the City's Housing Element. The project is consistent with the Circulation Element as the sales and service of alcoholic beverages will not increase traffic on adjacent and nearby streets. The operation of the movie theater will not change as a result of the project (concessions, movies as well as the proposed sale of alcoholic beverages will take place within an enclosed building) and, therefore, the proposed use is compatible with the Noise Element. The site is not within a hazard zone and the conditions placed on the proposed use will ensure the project does not contribute to local crime. The proposed use (on-site sales, service and consumption of alcoholic beverages) will not be a source of or contributor to air pollution.

**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 sales alcoholic beverages for on-site consumption, in compliance with the conditions of approval, is not anticipated to be detrimental to the public health, safety, general welfare, or environment. Recently, selling and serving alcoholic beverages at movie theaters has become a fairly common amenity offered at this type of entertainment venue and, as conditioned, is not anticipated to result in detrimental impacts.

The proposed administrative use permit has been reviewed by the Neighborhood Services and Building & Safety Divisions within the Community Development Department, and Police Department to identify potential negative impacts of the project on the public health, safety, general welfare or environment. The Neighborhood Services and Building & Safety Divisions had no comments regarding the proposed project. The Police Department reviewed the project and reported it is located in census tract 3023.01, where the suggested limit by Alcoholic Beverage Control (ABC) for on-sale establishments is three. Currently, there are 15 on-sale establishment licenses located in this tract. While this census tract exceeds the suggested number of on-sale establishments, as previously stated, the city is targeting downtown and the Americana as entertainment destinations. Theaters are entertainment uses and the service of alcoholic beverages in conjunction with concessions and a movie is a natural extension of this use. Based on arrests and Part 1 (violent and property) crime statistics in year 2018 for this census tract, there were 877 crimes, which is 425% above the citywide average of 167. There were six calls for police service within the last calendar year at the theater, only one of which generated a police

report. Given that this area of the city is dense with people and commercial activity, as opposed to most of the city's tracts which are predominantly low-density residential, the greater quantity of crime is anticipated. The Police Department has recommended conditions of approval to prevent negative impacts to the community from the sale of alcoholic beverages, which have been included in the staff recommendation.

Given these facts, the proposed on-site sales, service and consumption of alcoholic beverages at the existing theater 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 sale of alcoholic beverages for on-site consumption at the existing movie theater will not conflict with the adjacent land uses. The theater is located within the Americana at Brand mixed use development containing commercial, entertainment and residential uses. The Americana at Brand is located within downtown Glendale, an entertainment hub within the city and the surrounding region. The theater with service of alcoholic beverages is compatible with surrounding uses and consistent with the intent of the Town Center Specific Plan and the vision for downtown Glendale. The sale of alcoholic beverages is incidental to the theater use. Conditions of approval are added to the project to mitigate and prevent potential negative impacts. The sale of alcoholic beverages at an existing theater will not impede the normal development of surrounding property because the nearby area has already been developed and the proposal is a complementary use to surrounding development. The project site is located within the DSP Zone, TC District, which is intended to offer a full range of commercial and entertainment services to the city and surrounding area. A movie theater providing alcoholic beverages for on-site consumption is appropriate, as it provides an amenity customers of the cinema; therefore, it is consistent with the desired land use for this district.

Within walking distance to the site, there are two churches, Holy Family Catholic Church and St. Mary's Armenian Apostolic Church, and residential uses. There is no evidence that the existing movie theater, with the proposed sale and service of alcoholic beverages, will have an adverse impact on those uses. The movies and alcohol service will take place within the theater building and the sale and service of alcoholic beverages is a secondary use. Conditions will mitigate or prevent negative impacts to the neighborhood from the use. The 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 on-site sales, service and consumption of alcoholic beverages is not anticipated to be detrimental to the community or adversely conflict with the community's normal development.

**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 and traffic circulation measures are provided for the use and are in place. The proposed sale and service of alcoholic beverages of on-site consumption at the existing theater is not anticipated to exacerbate or change the need for such private or public facilities.

**REQUIRED ADDITIONAL FINDINGS OF FACT FOR AN AUP FOR THE SALE OF ALCOHOL**

That all the criteria set forth in Section 30.42.030 to be considered in making the findings in subsection A. through D. above have all been met and thoroughly considered:

- 1) **That such use will not tend to intensify or otherwise contribute to the adverse impacts on the surrounding area caused by over concentration.** As noted in Finding B above, the on-sale uses in the census tract exceed the recommended maximum concentration but given the city's desire to encourage entertainment uses in the downtown Glendale area as well as the conditions of approval imposed on the project, the proposed sale of alcoholic beverages at the existing Pacific Theater Glendale 18 will not intensify or contribute to adverse impacts on the surrounding area.
- 2) **That such use will not tend to encourage or intensify crime within the district.** As noted in Finding B above, the crime rate in the subject census tract is 425% above the city average and conditions of approval imposed on the project will ensure the proposed sale of alcoholic beverages at the existing Pacific Theater Glendale 18 will not encourage or intensify crime within the district.
- 3) **That such use 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 noted in Finding B above, the crime rate in the subject census tract is 425% above the city average and conditions of approval imposed on the project will ensure the proposed sale of alcoholic beverages at the existing Pacific Theater Glendale 18 will not encourage or intensify crime within the district.
- 4) **That the proposed use satisfies its transportation or parking needs as described above because adequate access is available to serve this use.** No changes to the Americana or the existing movie theater are proposed with the exception of providing alcohol service to theater patrons. No changes to the parking lot at the Americana is proposed and the sale and service of alcoholic beverages is not anticipated to increase the need for parking.
- 5) **Notwithstanding consideration of the aforementioned information, the proposed on- and off-site sales, service and consumption of alcoholic beverages does serve a public convenience for the area.**

**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 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.
3. 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.
4. That a Business Registration Certificate be applied and issued for a movie theater with the on-site sales, service and consumption of alcoholic beverages, subject to the findings and conditions outlined of this administrative use permit.
5. That alcohol service shall cease one hour prior to the ending of the last movie showing of the night.
6. 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.
7. That no patron of the movie theater shall be allowed to bring into the movie theater, any alcoholic beverage unless that alcoholic beverage was purchased within the movie theater unless the theater has an established corkage policy allowing and regulating such.
8. That the sale of alcoholic beverages for consumption off the premises is strictly prohibited.
9. 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.
10. That at all times when the premises is open for business, the service of alcohol shall be made only in the areas as designated with the ABC license. Consumption of alcoholic beverages will only be on those same licensed areas.
11. That sufficient measures shall be enforced to effectively eliminate interior and exterior loitering, parking congestion, disturbing noise, disturbing light, loud conversation, and criminal activities.
12. 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.
13. 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.

14. That the doors to the movie theater shall be kept closed at all times while the location is open for business, except in case of emergency.
15. That access to the premises shall be made available to all City of Glendale Planning Division, Housing 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.
16. That the movie theater adhere to the City of Glendale's Fresh Air Ordinance, Title 8, Chapter 8.52 of the Glendale Municipal Code.
17. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.
18. That all signs displayed shall conform to the requirements of the Glendale Municipal Code.
19. That the authorization granted herein shall be valid for a period of **TEN (10) YEARS UNTIL FEBRUARY 7, 2029.**

#### 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 **February 22, 2019**, 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 administrative use permits, variances, 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 30.4 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.

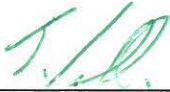
## **NOTICE – subsequent contacts with this office**

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, Roger Kiesel at (818) 937-8152 or rkiesel@glendaleca.gov

Sincerely,

Philip Lanzafame  
Director of Community Development



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Brad Collin  
Planning Hearing Officer

BC:RK: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/T.Dodson); Street and Field Services Admin.; Engineering and Environmental Management (C.Chew/R. Villaluna); and case planner – Roger Kiesel.