



CITY OF GLENDALE, CALIFORNIA

Community Development
Planning

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June 26, 2024

Timothy Luskin and Valerie Sacks
2222 Damon Street
Los Angeles, CA 90021

**RE: 132 NORTH GLENDALE AVENUE
ADMINISTRATIVE USE PERMIT CASE NO. PAUP-001932-2023
(Chipotle Mexican Grill)**

Dear Mr. Luskin and Ms. Sacks:

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 (AUP) to allow the continued sales, service, and on-site consumption of beer and wine (ABC License Type 41) at an existing fast-food restaurant (Chipotle Mexican Grill) located at **132 North Glendale Avenue**, in the “C2” – Community Commercial Zone, described as Portion of Lots 10,12,14 and 16, Block 12, Town of Glendale Tract, (APN: 5674-006-036), in the City of Glendale, County of Los Angeles.

CODE REQUIRES

- 1) The sale of alcoholic beverages requires an Administrative Use Permit in the C2 – Community Commercial Zone (Section 30.12.020, Table 30.12-A).

APPLICANT’S PROPOSAL

- 1) To allow the continued on-site sales, service and consumption of beer, wine, at an existing 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, because the discretionary permit request is to allow the continued on-site sales, service, and consumption of beer, wine at an existing fast-food restaurant within an existing commercial space involving no expansion of use or physical area of the building.

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 existing use will be consistent with the various elements and objectives of the general plan.

The continued on-site sales, service and consumption of beer and wine at an existing fast-food restaurant (Chipotle Mexican Grill) is appropriate in an area of the city zoned for commercial uses and will continue to provide an option for the dining public to enjoy alcoholic beverages with their meals. The subject site is located in the C2 – Community Commercial Zone with a General Plan Land Use Element designation of Community Services Commercial, within the South Glendale Community Plan. The on-site sales, service and consumption of beer and wine at an existing fast-food restaurant will be consistent with the various elements and objectives of the General Plan. An economic goal of these documents is to create a vibrant area that promotes diversity and economic opportunities that support a variety of businesses. Goods and services that are offered in this zone generally attract clientele from surrounding communities and the adjoining residential neighborhoods. The project site is developed with an existing fast-food restaurant and is surrounded other complementary businesses, including retail and service uses. The other elements of the General Plan, including Open Space, Recreation, Housing, and Noise Elements, will not be impacted because of the applicant's request because this application does not propose additional floor area or modifications to the existing building. Furthermore, the request does not propose any intensification of the use; therefore, no additional parking is required.

The Circulation Element identifies Glendale Avenue as a Major Arterial Street and is fully developed and can adequately handle the existing traffic circulation around the site. The project site is surrounded by commercially zoned properties, and the applicant's request for the continued on-site sales, service and consumption of beer and wine at an existing fast-food restaurant in conjunction with meals is not anticipated to create any negative traffic-related impacts on Glendale Avenue and surrounding uses 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 applicant's request will not be detrimental to the health, safety, and public welfare of the neighborhood in general. Since 2009, Chipotle Mexican Grill has operated at the subject location with the on-site sales, service and consumption of beer and wine in conjunction with meals. According to the Glendale Police Department, the subject is located in census tract 3020.03, which allows for three (3) On-Sale establishments. There are currently two (2) On-Sale licenses in this tract, with Chipotle Mexican Grill being one of the existing two licenses. Based on arrests and Part 1 crime statistics for census tract 3020.03 in 2021, there were 62 crimes, 63% below the city-wide average of 167. Within the last year, there have been four calls for police service at the location related to disturbing the peace, and suspicious persons but no report was taken, and one burglary for which the Police Department took a report. None of the calls were directly related to alcohol sales and the Police Department did not cite any concerns. The Glendale Police Department did not cite any concerns with the applicant's request

to continue the on-site sales, service and consumption of beer and wine at this location and suggested conditions of approval have been included to mitigate any potential negative impacts.

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

The continued on-site sales, service, and consumption of beer and wine at an existing fast-food restaurant will not adversely conflict with adjacent uses or impede the normal development of surrounding property, as conditioned. The applicant's request will not adversely conflict with surrounding properties as it will be ancillary to the primary use, a fast-food restaurant. The subject property is located near other complementary businesses, including retail and service uses. There were no concerns or comments submitted by the Neighborhood Services Division that would indicate that the existing fast-food restaurant would have a negative impact on the surrounding area. There are four public facilities within the immediate are of the subject site: Glendale Civic Center/City Hall at 613 East Broadway (0.1 miles to the west), Glendale Seventh Day Adventist Church and Pre-School at 610 East California Avenue (0.3 miles to the north), Zion Lutheran Church and Pre-School at 517 East California (0.3 miles to the north), and Glendale Spanish Seventh Day Adventist Church at 901 East Broadway (0.3 miles to the south). While these facilities and uses are within close proximity, the applicant's request has not and will not impede the operation of such uses since they are not directly adjacent to the restaurant. There are residential uses across the adjacent alley and in the area, however, no impacts are anticipated as the existing fast-food restaurant, Chipotle Mexican Grill, has operated at this location for 15 years without any major incident.

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 for the continued on-site sales, service and consumption of beer and wine at an existing fast-food restaurant will not result in inadequate public or private facilities. The project site is already developed and associated facilities are existing. The existing fast-food restaurant has been operating at this location since 2009. This application does not include any added floor area or modifications to the existing building; therefore, there will be no increase in required parking for this use. Parking for the existing fast-food restaurant is provided per a Covenant and Agreement for parking that was recorded on January 17, 1995, and Administrative Exception No. 9330-AE; there are 51 parking spaces provided on-site and in the adjacent lots for this use. The Circulation Element identifies North Glendale Avenue as a Major Arterial Street which is fully developed and can adequately handle the existing traffic circulation around the site. The applicant's request for the continued on-site sales, service and consumption of beer and wine at an existing fast-food restaurant with meals will not require any new city services, nor will it require any changes to the parking or traffic circulation.

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 fewer than the recommended maximum concentration of on-site uses or where an existing or proposed off-site use is located in a Census Tract with less than the recommended maximum concentration of off-site uses, both as recommended by the California Department of Alcoholic Beverage Control (ABC), 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 as described in Finding B above.
2. That where the existing or proposed use is located in a crime reporting district with a crime rate which is below 63 percent of the city average for Part I 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 of approval have been included in the approval of this application to ensure that any potential negative impacts will be appropriately mitigated, as described in Finding B above.
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 schools or college, day care facility, public park, library, hospital or residential use), as noted in Finding C above.
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 described in Finding D above.
5. That notwithstanding consideration in subsections 1 through 4 above, the continued operation of a fast-food restaurant with the on-site sales, service and consumption of alcoholic beverages does serve a public convenience for the area because it would provide beer, wine and distilled spirits, in conjunction with food service at the restaurant for 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, Country, 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, distributing noise, distributing light, loud conversation, and criminal activities.
4. That at all times when the premises are open for business, the service of any alcoholic beverage shall be made only in the areas designated with an ABC license. Consumption of alcoholic beverages shall only be in those same licensed areas.
5. That no patron of the restaurant shall be allowed to bring into the establishment any alcoholic beverage unless that alcoholic beverage was purchased within that same establishment unless the facility has an established corkage policy allowing and regulating such.
6. That the sale of beer and wine for off-site consumption is strictly prohibited, unless preemptively permitted by State regulations.
7. 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.
8. That no exterior signs advertising the sales and service of alcoholic beverages shall be permitted.
9. That there shall be no video machine(s) and/or video game(s) maintained upon the premises.
10. That no live entertainment is permitted without a "Live Entertainment Permit".
11. That the front and back doors of the establishment shall be kept closed at all times while the location is open for business, except in case of emergency.
12. The restaurant shall adhere to the City's Fresh Air Ordinance, Title 8, Chapter 8.52 of the Glendale Municipal Code.
13. That the restaurant shall be operated in full accord with applicable State, County, and local laws.
14. That access to the premises shall be made available to all City of Glendale Planning and Neighborhood Service Divisions, Police Department, and Fire Department staff upon request to verify compliance with the laws and conditions of this approval.
15. That any expansion or modification of the facility or use that intensifies the 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. That the restaurant shall remain open to the public during business hours. If the establishment has a private party during regular business hours, the restaurant still needs to stay open for business to regular customers.

16. That the proprietor and their 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.
17. The business shall comply with all state and local laws and ordinances concerning excessive noise and disturbing the peace.
18. That the existing off-street parking facilities, including those spaces identified in the Covenant and Agreement recorded on January 17, 1995, (9417-CU) and in accordance with modifications for handicapped spaces (9330-AE) and be maintained in conjunction with the use. Such parking areas, including the landscaping area adjacent to North Everett Street, shall be maintained in good condition.
19. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.
20. That all signs displayed shall conform to the requirements of the Glendale Municipal Code.
21. 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.
22. 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.
23. That the existing landscaping at the front of the building be maintained and kept in a neat and orderly manner with live plants, free of weeds and trash.
24. That delivery vehicles making deliveries to the subject business shall not be parked or stopped illegally in the public rights-of-way.

RESPONSES TO PUBLIC COMMENTS RECEIVED DURING COMMENT PERIOD

During the public comment period, staff received three emails, which expressed concerns regarding litter, loitering, excessive noise, public drunkenness and fighting in the parking lot. Below is a summary of the key points from the comment letter, as well as staff's responses.

1. The location shouldn't serve beer and wine for the wellbeing of the adjacent residents as it will cause hazardous circumstances.

The subject site is located in the C2 – Community Commercial Zone with a General Plan Land Use Element designation of Community Services Commercial. The purpose of the C2 zone is to accommodate shopping and convenience services for the community – which on-site sales, service and consumption of beer and wine at an

existing fast-food restaurant will be consistent with the various elements and objectives of the General Plan.

The surrounding properties are developed with other commercial uses, such as, medical and dental offices, retail, and service uses. The applicant's request to allow the on-site sales, service and consumption of beer and wine at the existing fast-food restaurant and will be served solely in conjunction with a meal. This application does not include any added floor area or modifications to the existing tenant space that will increase seating capacity for patrons or the amount of required parking for the fast-food restaurant use. Conditions of approval have been incorporated within this decision letter to mitigate any potential negative impacts.

2. The employees of the establishment are underage and it would be reckless to serve alcohol.

Chipotle Mexican Grill shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control for its service of alcoholic beverages, and must adhere to the California Code, Business and Professions Code section 25663 concerning the Employment of Minors.

3. The establishment has issues with excessive noise, litter, public drunkenness and fighting in the parking lot.

The subject application was routed to the Neighborhood Services Division and Glendale Police Department for comment. The Neighborhood Services Division did not provide written comment or concerns regarding to the nature of the request. According to the Glendale Police Department, there have been four calls for police service at the location related to disturbing the peace, suspicious vehicle with loud music, suspicious persons but no report was taken, and one burglary for which the Police Department took a report. None of the calls were directly related to alcohol sales and the Police Department did not cite any concerns. The Glendale Police Department did not cite any concerns with the applicant's request for the continued on-site sales, service and consumption of beer and wine at this location and suggested conditions of approval have been included to mitigate any potential negative impacts.

As conditioned, the proprietor and their 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. Further conditioned, sufficient measures shall be enforced to effectively eliminate interior and exterior loitering, parking congestion, distributing noise, distributing light, loud conversation, and criminal activities. Future violations the conditions of approval should be reported to the Community Development Department – Neighborhood Services Division and/or the Glendale Police Department.

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.

All appeals must be filed using the City's online permit portal: www.glendale.gov/Permits. Create an account, click "Apply," type "appeal" in the search bar, and apply for "Appeal of Planning Decision." Any appeal must be filed within fifteen (15) days following the actual date of the decision with the prescribed fee prior to the expiration of the 15-day appeal period, on or before **JULY 10, 2024**. Information regarding appeals and appeals and fees may be obtained by calling the Community Development Department staff at 818.548.2115, or contacting the case planner, Columba Diaz, at CoDiaz@glendaleca.gov or 818.937-81.

GMC CHAPTER 30.41 PROVIDES FOR

Termination

Every right or privilege authorized by an Administrative Use Permit shall terminate two 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.

Cessation

An Administrative Use Permit may be terminated by the review authority upon any interruption or cessation of the use permitted by the Administrative Exception for one year or more in the continuous exercise in good faith of such right and privilege.

Extension

Permits granted by such right or privilege may be requested one time and extended for up to a maximum of one 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 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.

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

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.

REVOCACTION

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over Administrative Use Permits. To consider the revocation, the Director of Community Development shall hold a public hearing after giving notice by the same procedure as for consideration of a administrative use permits at least ten (10) days' notice by mail to the applicant or permittee.

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 first and then, the Hearing Officer who acted on this case. 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, Columba Diaz, during normal business hours at her direct line (818) 937-8188 or via email at codiaz@glendaleca.gov, between 8:00 a.m. to 5:00 p.m. weekdays.

Sincerely,
Bradley Galvert
Director of Community Development



Dennis Joe
Planning Hearing Officer

CC; City Clerk (K.Cruz); Building and Safety (A. Sargsyan); Neighborhood Services Division (J.Sada); Design Review & Historic (J.Platt); Economic De. (M.Berry); Housing (P.Zovak / M. Fortney); Urban Design and Mobility F.Zohrevand); Community Services and Park (T. Aleksanian/ A.Limayo); Information Services (G.Arnold); City Attorney's Dept. (G. van Muyden / Y.Neukian); Fire Engineering Section-(J.Diaz / D.Stimson); Traffic & Transportation Section (P.Casanova / S.Roudsari); General Manager for Glendale Water and Power (M.Young); Glendale Water & Power – Water Section (S.Boghosian / F.Garcia); Glendale Water & Power – Electric Section (C.Babakhanlou/ S.Boghosian / F.Garcia / K.RUNZER); Police Dept. (Lt.S.Riley / Z.Avila); Dir. Of Public Works (Y.Emrani); Engineering and Land Development (A.Avazian/ S.Oganesyanyan / M.Oillataguerre/ R. Villaluna); Integrated Waste Management Admin. (D. Hardgrove); Maintenance Services/Street and Field / Urban Forester (L.Klick / C.Linares / O. Urquidez); and case planner – Columba Diaz.