



January 31, 2017

Jonathan Rollo
252 South Brand Boulevard, #B
Glendale, CA 91204

**RE: 252 SOUTH BRAND BOULEVARD, #B
ADMINISTRATIVE USE PERMIT NO. PAUP 1626479
(Greenleaf Chop Shop)**

Dear Mr. Rollo:

Pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.49, the Director of Community Development processed your application for Administrative Use Permit No. PAUP 1626479 to allow the on-site sales, service, and consumption of beer and wine (Type 41) at an existing fast food restaurant (Greenleaf Chop Shop) located at **252 South Brand Boulevard, #B**, in the "DSP/M"– Downtown Specific Plan/ Maryland District Zone, described as Portions of Lots 12 and 17, Lots 13-16, and the west 10 feet of the alley adjoining the property on the east, Tract No. 2461, in the City Glendale, in the County of Los Angeles.

CODE REQUIRES

- (1) The sale of beer and wine for on-site consumption at a fast food restaurant, requires an Administrative Use Permit in the "DSP/M" - (Downtown Specific Plan/ Maryland District) Zone.

APPLICANT'S PROPOSAL

- (1) To allow the on-site sales, service, and consumption of beer and wine (Type 41) at an existing fast food restaurant (Greenleaf Chop Shop).

ENVIRONMENTAL DETERMINATION

The project is exempt from CEQA review as a Class 1 "Existing Facilities" exemption, pursuant to State CEQA Guidelines Section 15301.

REQUIRED/MANDATED FINDINGS

After thorough consideration of the statements contained in the application, the plans submitted therewith, the above analysis by Community Development Department staff, and any comments received from the public with respect to this application, this Administrative Use Permit application is **APPROVED WITH CONDITIONS**, based on the following:

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

The subject site is located in the DSP/M (Downtown Specific Plan/Maryland District) Zone and the General Plan Land Use Element designation is Downtown Specific Plan/Maryland District. The purpose of the Maryland District is to encourage the concentration of dining and entertainment establishments to complement the adjacent arts, cultural and entertainment venues. The on-site sales, service and consumption of beer and wine at the existing fast food restaurant will provide an option for the community to purchase beer and wine for on-site consumption with their meals in this restaurant. The service of beer and wine in conjunction with meals at a bona fide fast food restaurant is appropriate for the subject location, as it complements the Maryland District and will assist making downtown Glendale a more dynamic destination. The Land Use Element of the General Plan is the most directly related element to the approval of this use; therefore, other elements of the General Plan, including the Open Space, Recreation, Housing and Noise Element, will not be impacted as a result of the applicant's request.

The project site is already developed and adequate utilities, landscaping, and traffic circulation measures are already provided. The proposal to add beer and wine as an ancillary use will not impact the existing parking and landscaping conditions. This application does not include any added floor area or modifications to the existing building. Therefore, there will be no increase in the demand for parking for this use and the existing on-site parking has proven to be sufficient for the restaurant and has not resulted in conflicts with nearby businesses or residential development.

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, service, and consumption of beer and wine at the existing fast food restaurant will not be detrimental to the safety and public welfare of the neighborhood. According to the Glendale Police Department, the subject property is located in Census Tract 3022.01 where the suggested limit for on-sale alcohol establishments is three. Currently, there are 28 on-sale establishments located in this tract including Greenleaf Chop Shop. Based on arrests and Part 1 crime statistics for this census tract, there were 197 crimes in 2015, which is 11 percent above the citywide average of 178. Within the last calendar year, there were no calls for police service at this location. While the area contains more on-sale establishments than suggested for the census tract, the Maryland District of the Downtown Specific Plan encourages the concentration of dining establishments with alcoholic beverages services in the area. Customarily, restaurants serve alcoholic beverages as part of their food service, and this request is a reasonable extension of the primary use of a fast food restaurant and is not associated with public drunkenness or other alcohol-related crimes. The Glendale Police Department did not cite any major concerns related to the sale and consumption of beer and wine at the existing fast food restaurant and it is unlikely that the proposed request will increase crime in the area above the existing conditions. Additionally, the Police

Department has recommended 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.

The proposed on-site sales, service and consumption of beer and wine at the existing fast food restaurant will not adversely affect or conflict with adjacent uses or impede normal development of surrounding properties. Office uses (CBRE headquarters) in the Historic Masonic Temple, abut the subject property to the north and the property is surrounded by retail, office, and service type establishments on the south, across Colorado Street and to the west, across Brand Boulevard. Public facilities located in the immediate area of the subject site include Central Park Paseo and Adult Recreation Center located on the east side of the subject property across an alley and The Green, a public open space at the Americana (across Brand Boulevard) to the west. Glendale Central Library is located within approximately 0.1 miles from the subject site to the northeast side. There are three churches and a school within approximately 0.2 miles from the site including Glendale Presbyterian Church to the northeast, United Community Church to the east, Holy Family Catholic Church to the southeast, and the Holy Family Catholic Grade School to the southeast of the subject site. While these uses and facilities are within close proximity, it is not anticipated the proposed on-site consumption of beer and wine will be detrimental to the nearby uses and facilities, given the fact that there are already several existing dining establishments with on-site consumption of alcoholic beverages within the Americana at Brand and the Maryland District. Additionally, the proposal for incidental serving of beer and wine is not anticipated to cause any conflicts with surrounding development in the future. The recommended conditions of approval will serve to mitigate any potential impacts on the surrounding properties and 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.

The applicant's request to allow the sales, service, and consumption of beer and wine at the 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 parking facility is located at the rear of the property and consists of 14 parking spaces approved by Parking Exception No. PPPEX1520674. Access to the parking facility is from an existing alley accessible from East Colorado Street. As conditioned in Administrative Exception Case No. PAE1524969 approved on November 24, 2015, valet services are provided for the building. The existing on-site parking has proven to meet the parking demand of the subject property and has not resulted in conflicts with nearby businesses or residential developments. It is not anticipated that the applicant's request for the sales, service, and consumption of beer and wine will create a negative traffic impact, as the service of beer and wine is not anticipated to significantly increase the amount of patrons to the fast food

restaurant. Brand Boulevard and Colorado Street are identified as major arterials in the Circulation Element 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 fast food restaurant 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 exceeds 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. As noted in Finding B above, the crime rate in Census Tract 3022.01 is 11 percent above the citywide average for Part 1 crimes. No evidence has been presented to 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. Conditions of approval are recommended by the Police Department to ensure that the approval of this AUP will not tend to 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 (churches, public or private schools or colleges, day care facilities, public parks, libraries, hospitals or residential uses). As noted in Finding C above, there are three churches, two public open spaces, a public library, a recreation center, and a private elementary school within the immediate area of the subject site. While these facilities and uses are within close proximity, the sale, service, and consumption of beer and wine at the existing fast food restaurant with meals is not anticipated to adversely conflict with surrounding properties since it will be ancillary to the primary use.

- 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 existing fast food restaurant (Greenleaf Chop Shop) 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 for 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 an existing 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 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 sale of alcoholic beverages shall be limited to beer and wine.
5. 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.
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 (ABC).
8. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.
9. That signs for the subject tenant space shall comply with Sign Program Case No. 1602400.
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 the sale of beer and wine for consumption off the premises is strictly prohibited.
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 any alcoholic beverage shall be made only in the areas designated with the State Department of Alcoholic Beverage Control (ABC) license.
14. That the restaurant shall remain open to the public during business hours. If the establishment has a private party during normal business hours, the restaurant still needs to remain open for business to regular customers.
15. 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.
16. That there shall be no video machine maintained upon the premises.
17. That music or noise shall be contained within the edifice of the establishment. The business shall comply with all state and local laws and ordinances concerning excessive noise and disturbing the peace.
18. 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.
19. That the restaurant adhere to the City's Fresh Air Ordinance, Title 15, Chapter 8.52 of the Glendale Municipal Code.

20. That no exterior signs advertising the service of beer and wine shall be permitted.
21. That there shall be no public dancing or live entertainment allowed on the premises without further review of the existing Administrative Use Permit by the Director of Community Development.
22. 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.
23. That delivery vehicles making deliveries to the subject business shall not be parked or stopped illegally in the public rights-of-way.
24. That authorization granted herein shall be valid for a period of **TEN (10) years until January 30, 2027.**

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 15, 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 5:00 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.

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 30.41 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.

Should you have any questions regarding this issue, please do not hesitate to contact the case planner, Aileen Babakhani at (818) 937-8331 or ababakhani@glendaleca.gov.

Sincerely,
Phil Lanzafame
Director of Community Development



Bradley Collin
Planning Hearing Officer

BC:CB:AB: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 (S. Mirzaian); 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 – Aileen Babakhani