



CITY OF GLENDALE, CALIFORNIA

Community Development
Planning

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glendaleca.gov

April 25, 2019

Robert Hovsepian
831 Uclan Drive
Burbank, CA 91504

**RE: 400 EAST BROADWAY
ADMINISTRATIVE USE PERMIT NO. PAUP1901385
(Round Table Pizza)**

Dear Mr. Hovsepian:

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 on-site sales, service, and consumption of beer and wine (Type 41) at a new fast food restaurant, located at **400 East Broadway**, in the "DSP/EB" – Downtown Specific Plan/East Broadway Zone, described as Portions of Lots 1 and 7, Lots 2 through 6, and 8, Block 23, Tract No.61446 in the City of Glendale, in the County of Los Angeles.

CODE REQUIRES

(1) The on-site sales, service, and consumption of beer and wine requires an Administrative Use Permit in the "DSP/EB" Zone.

APPLICANT'S PROPOSAL

(1) To allow on-site sales, service, and consumption of beer and wine (Type 41) at a new fast food restaurant.

ENVIRONMENTAL DETERMINATION

The project is exempt from CEQA review as a Class 1 "Existing Facilities" exemption pursuant to State CEQA Guidelines Section 15301 because this project is proposing to allow on-site sales, service, and consumption of beer and wine for a new fast food restaurant within an existing tenant space and involves no expansion of the building.

After considering the evidence presented with respect to this application, the Director of Community Development has **APPROVED WITH CONDITIONS** your request based on the following findings:

REQUIRED/MANDATED FINDINGS

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

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

The applicant is requesting approval of an Administrative Use Permit to allow on-site sales, service, and consumption of beer and wine for a new fast food restaurant (Round Table Pizza). The zoning land use designation for the subject property is DSP/EB (Downtown Specific Plan/East Broadway), and the General Plan Land Use Element designation is Downtown Specific Plan—East Broadway Land Use District. The East Broadway District was created with the adoption of the City's first mixed-use districts and builds upon the mixed-use, moderate density of the area with newer mixed-use projects including upper level housing and retail on Broadway. A variety of uses are permitted in this zone, which includes fast food restaurants. Round Table Pizza will be located in the westernmost retail tenant space on the ground floor of the existing four-story residential mixed-use building that was completed in 2009. The subject property is bounded by a church (First United Methodist) to the north, general retail uses to the east and west, and multi-family residential development to the south. Round Table Pizza would be the second restaurant use to occupy the subject tenant space. The service of beer and wine in conjunction with a meal at a bona fide fast food restaurant is appropriate for the subject location, as it not only adds to the variety of uses offered at the mixed-use residential building and the surrounding community, but also complements commercial activity along East Broadway. Alcoholic beverage sales are an administratively permitted use in the DSP/EB zone, and therefore, consistent with the land use designation. Since the site is already developed and the Administrative Use Permit application only involves the on-site sales, service, and consumption of beer and wine at a new fast food restaurant, other elements of the General Plan, including the Open Space, Recreation, Housing and Noise Element, will not be impacted as a result of the project.

B. That the use and its associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment.

The on-site sales, service, and consumption of beer and wine at the new fast food restaurant will not be detrimental to the public health or safety, the general welfare, or the environment. The Administrative Use Permit request has been reviewed by the Police Department and the Divisions of Neighborhood Services, Building & Safety and Planning within the Community Development Department to identify potential negative impacts of the project on the public health, safety, general welfare or environment. According to the Glendale Police Department, the subject property is located in census tract 3022.01, where three on-sale establishments are recommended. The Glendale Police Department reports there are currently 26 on-sale licenses in this tract; Round Table Pizza would bring the total to 27. The ancillary sale of beer and wine for on-site consumption in conjunction with a fast food restaurant is a common service that is not typically associated with public drunkenness or other alcohol-related crimes. Based on Part 1 crime statistics for this census tract in 2018, there were 203 crimes, 22% above the city wide average of 167. This higher than average crime rate is explicable given the higher densities and higher concentration of retail uses in the Downtown, compared to lower density residential areas, which typify much of the City. Within the last calendar year, there were no calls for police service at the location. Neither the Police Department nor Neighborhood Services division cited concerns related to this project. However, recommended conditions of approval by the Police Department are included in this approval to ensure that potential negative impacts to the public health, safety, general welfare, or the environment are properly mitigated.

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 a new fast food restaurant will not adversely affect or conflict with adjacent uses or impede normal development of surrounding properties. The project site is currently surrounded by a church (First United Methodist) and its on-site daycare facility to the north across East Broadway, general retail uses to the east and west, and multi-family residential developments to the south. The applicant's request is not anticipated to interfere with the existing operations or impede the normal development of the neighboring uses, since the ancillary sale of beer and wine for on-site consumption in conjunction with a fast food restaurant is a common service that is not typically associated with public drunkenness or other alcohol-related crimes. Additionally, there are two churches (First Baptist Church of Glendale and Glendale Presbyterian Church), a public school (Allan F. Daily High School), a public park (Glendale Central Park), and a public library (Glendale Central Library) within 1,000 feet of the subject location. However, it is not anticipated the proposed on-site sales, service, and consumption of beer and wine at Round Table Pizza will be detrimental to the nearby uses, given the fact that there are several existing dining establishments with on-site consumption of beer and wine within the East Broadway District already. The applicant's request complements the new fast food restaurant's operation and the surrounding and nearby uses, as it offers the surrounding and nearby uses a new and convenient location for on-site consumption of beer and wine in conjunction with a meal. The sale of alcoholic beverages for on-site consumption with a meal will remain ancillary to the business' primary commercial activity as a fast food restaurant.

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.

This application does not include any new floor area or proposed modifications to the existing site, which was developed as a mixed-use building and has been utilized by residential and commercial uses for more than a decade. Adequate public and private facilities, such as utilities, landscaping, and parking spaces are all existing and will continue to be provided for the proposed use. Round Table Pizza will occupy the westernmost retail space on the ground floor of an existing four-story mixed-use building on site. The existing building provides landscaping and has adequate utilities for water, electricity, and sewer and trash. Also, Round Table Pizza is a second restaurant tenant to occupy the subject tenant space. Per City records, Parking Reduction Permit No.PPR2007-005 was granted with conditions by the Zoning Administrator on August 16, 2007 to allow shared parking to accommodate a proposed 2,691 square-foot fast food restaurant as part of a previously approved mixed-use project on the property. Because the previous and proposed use is the same, a fast food restaurant, Round Table Pizza will not increase nor require additional parking under GMC 30.32.030(C). A total of 296 shared parking spaces are provided and accessible from an L-shaped alleyway along South Jackson Street. The existing parking spaces are proposed to remain and will continue to serve the site and its existing and proposed uses. The applicant's request is not expected to create negative parking or traffic related impacts, as it is not anticipated that the on-site sales, service, and consumption of beer and wine in conjunction with a meal will significantly increase the amount of patrons to the subject site that was previously used as a fast food restaurant. As identified in the Circulation Element, East Broadway is a "Minor Arterial" street and South Jackson Street is an "Urban Collector" street; these streets 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 such use does not or will not tend to intensify or otherwise contribute to the adverse impacts on the surrounding area caused by over concentration as described above in finding B.
- 2) That such use does not or will not tend to encourage or intensify crime within the district as described above in finding B.
- 3) That such 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 described above in findings B and C.
- 4) That the proposed use satisfies its transportation or parking needs as described above in finding D.
- 5) That, notwithstanding consideration of the criteria in subsections 1 through 4 above, sale of beer and wine for on-site consumption serves a public convenience for the area. The applicant's request to allow on-site sales, service, and consumption of beer and wine at a new fast food restaurant serves 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 business 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 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 any expansion or modification of the facility or use which intensifies the existing Administrative Use Permit 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.

5. That the on-site sales, service, or consumption of alcoholic beverages shall be permitted only between the hours of 11:00 a.m. to one hour prior to closing of the restaurant each day of the week.
6. 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 will only be on those same licensed areas.
7. 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 restaurant has an established corkage policy allowing and regulating such.
8. 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.
9. 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.
10. 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.
11. That those premises may be utilized for banquets, private parties, or other events, provided that all events comply with the provisions of the applicant's Alcoholic Beverage Control license, and provided they have appropriate Conditional Use Permits and Use Variances if required.
12. That no exterior signs advertising the service of beer and wine shall be permitted.
13. That the fast food restaurant shall not become a tavern. An establishment that primarily provides for the on-premises sale, serving and consumption of beer and wine that derives more than fifty (50) percent of gross revenues from the sale of beer and wine is by definition of the Zoning Code a "tavern" and requires approval of a separate Conditional Use Permit.
14. That if the establishment intends to have a dance floor, the dance floor may not exceed 200 square feet, and dancing will only be allowed on the premises in designated dance floor areas with a proper "Dance" permit. Any establishment serving alcoholic beverages which has a dance floor of greater than 200 square feet is considered a nightclub and will require a separate Conditional Use Permit.
15. That a Business Registration Certificate be applied for and issued for a fast food restaurant with the on-site sales, service and consumption of beer and wine, subject to the findings and conditions outlined in this decision letter.
16. 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.
17. 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.

18. That the sale of beer and wine for consumption off the premises is strictly prohibited.
19. That the operator of the establishment should be proactive in the enforcement of the City of Glendale Clean Air Act.
20. That authorization granted herein shall be valid for a period of **TEN (10) YEARS UNTIL APRIL 25, 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 **May 10, 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.

REVOCATION, CONTINUING JURISDICTION

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over Administrative 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, Minjee Hahm at (818) 937-8178 or mhahm@glendaleca.gov.

Sincerely,
Philip Lanzafame
Director of Community Development



Milca Toledo
Planning Hearing Officer
MT:MH:sm

Administrative Use Permit No. PAUP1901385
400 East Broadway

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. B.Ortiz/E.Olsen/ M.Navareete/M.Kouassi); Parks, Recreation and Community Services Dept. (T. Aleksanian); Neighborhood Services Division (R.Sada/J.Jouharian/); Integrated Waste Management Admin. (D. Hartwell); Maintenance Services Section Admin. (D. Hardgrove); Street and Field Services Admin.; Engineering and Environmental Management (C.Chew/R. Villaluna);and case planner-Minjee Hahm