



CITY OF GLENDALE, CALIFORNIA

Community Development
Planning

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glendaleca.gov

October 11, 2023

Brett Engstrom
2222 Damon Street
Los Angeles, CA 90021

**RE: 1164 GLENDALE GALLERIA
ADMINISTRATIVE USE PERMIT CASE NO. PAUP-001422-2023
(Din Tai Fung)**

Dear Mr. Engstrom:

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 sales, service, and on-site consumption of alcoholic beverages (ABC License Type 47) at a new full-service restaurant (Din Tai Fung) located at **1164 Glendale Galleria**, in the "DSP/GAL" – Downtown Specific Plan, Galleria District Zone, described as Lot 2 and a Portion of Lot 3, Tract No. 24714, (APN: 5695-005-048), in the City of Glendale, County of Los Angeles.

CODE REQUIRES

- 1) The sale of alcoholic beverages requires an Administrative Use Permit in the DSP/GAL Zone (Section 3.3 of the DSP, Table 3-A-3).

APPLICANT'S PROPOSAL

- 1) To allow the on-site sales, service, and consumption of alcoholic beverages for on-site consumption at a new full-service restaurant.

ENVIRONMENTAL DETERMINATION

The project is exempt from CEQA review as a Class 1 "Existing Facilities" exemption, pursuant to Section 15301(e) of the State CEQA Guidelines because the discretionary permit request is to allow the on-site sales, service, and consumption of alcoholic beverages at a new restaurant within an existing commercial space and there is no added floor area proposed.

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 on-site sales, service, and consumption of alcoholic beverages at a new full-service restaurant (Din Tai Fung) will be consistent with the various elements and objectives of the general plan. The subject site is zoned DSP/GAL – Downtown Specific Plan, Galleria District. The Land Use Element of the General Plan designates the subject site as Downtown Specific Plan/Galleria District. The Downtown Specific Plan seeks to preserve and enhance aspects which provide each district its unique character, while improving the attractiveness and livability of the Downtown area. Goods and services offered in this zone generally attract clientele from surrounding communities and adjoining residential neighborhoods, and the Glendale Galleria is a regional shopping destination. The on-site sales, service and consumption of alcoholic beverages is appropriate in an area of the city zoned for commercial uses and approval of the AUP will provide the option for the dining public to enjoy alcoholic beverages with their meals. The land use designation of the site is Downtown Specific Plan (DSP) where retail and restaurant uses along major arterials, such as North Central Avenue, are desired. One of the purposes of this designation is to encourage the location of a wide range of activities to maintain a dynamic environment in the downtown. The tenant space in which Din Tai Fung will locate is currently part of the Glendale Galleria and primary access will be from within the mall. The Land Use Element is most directly related to the approval of this use. All other elements of the General Plan, including Open Space, Recreation, and Housing Elements will not be impacted as a result of the applicant's request. The project site is fully developed and has not been slated for open space or recreation. The proposal is to allow the operation of a new full-service restaurant with alcoholic beverages for on-site consumption is consistent with the Noise Element and is not anticipated to increase the existing noise levels beyond the current conditions. The Circulation Element identifies North Central Avenue as a major arterial and this street is fully developed and can adequately handle the existing traffic circulation around the site. The project site is surrounded by commercial and residential uses and the applicant's request to operate a full-service restaurant with the sale of alcoholic beverages for on-site consumption is not anticipated to create any negative traffic-related impacts 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 on-site sales, service and consumption of alcoholic beverages at a new full-service restaurant (Din Tai Fung) will not be detrimental to the health, safety, and public welfare of the neighborhood in general. According to the Glendale Police Department, the subject property is located in Census Tract 3023.01 where the suggested limit for on-sale establishments is four. Currently there are 19 on-sale establishments, and Din Tai Fung will bring the total to 20. Based on part 1 crime statistics for census tract 3023.01 in 2021, there were 752 crimes, 350% above the city wide average of 167, which is not uncommon for a large retail mall. Within the last calendar year, there have not been any

calls for service for this tenant space. The Glendale Police Department did not cite any concerns with the applicant's request to allow the operation of a new full-service restaurant with on-site sales, service and consumption of alcoholic beverages 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.

It is not anticipated that the operation of a new full-service restaurant with on-site sales, service and consumption of alcoholic beverages will be detrimental to the community or adversely conflict with the community's normal development of surrounding properties, as conditioned. The request is not anticipated to adversely conflict with surrounding properties or adjacent uses as it will be ancillary to the primary use, a full-service restaurant. Din Tai Fung is relocating from their current occupancy across the street at the Americana at Brand where they have operated for over ten years without any incident. The subject property is located in the Glendale Galleria shopping mall and is directly across the street from the Americana at Brand shopping center with complementary businesses, including retail, service and residential uses located in the immediate vicinity. There are no public facilities, school, or churches located within the immediate area of the subject site. There were no concerns or comments submitted by the Police Department or Neighborhood Services Division that would indicate that the new full-service restaurant, Din Tai Fung, would have a negative impact on the surrounding area, and the proposed conditions of approval will serve to mitigate any potential negative impacts on the surrounding properties.

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 on-site sales, service and consumption of alcoholic beverages at a new full-service restaurant will not result in inadequate public or private facilities. The project site is already developed and associated facilities are existing. The Glendale Galleria contains over 6,000 parking spaces for patrons in two-multi-level parking structures with vehicular access from the surrounding street, including West Colorado Street, West Broadway, South Brand Boulevard, South Columbus Avenue, South Central Avenue, and South Orange Avenue. These streets are fully developed and can adequately handle the traffic circulation around the site, and it is not anticipated that the proposed restaurant with on-site alcoholic beverage sales will result in inadequate parking. Accordingly, the applicant's request to allow the operation of a new full-service restaurant with on-site sales, service and consumption of alcoholic beverages in an existing commercial tenant space 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 more 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 more 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 exceeds 20 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 described 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 operation of a new full-service restaurant with the on-site sales, service and consumption of alcoholic beverages does serve a public convenience for the area 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 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 on 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, wine, and/or distilled spirits for off-site consumption shall be strictly prohibited, unless preemptively permitted by State regulations.
7. That no separate bar for the sales, service and consumption of alcoholic beverages shall be permitted.
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. That 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 for the purpose of verifying compliance with laws and conditions of this approval.
15. That any expansion or modification of the facility or use which 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.

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. Any appeal must be filed online with the prescribed fee prior to expiration of the 15-day appeal period, on or before **OCTOBER 26, 2023**.

All appeals must be filed using the City's online permit portal: www.glendaleca.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 OCTOBER 26, 2023.

Information regarding appeals and appeals and fees may be obtained by calling the Community Development Department staff by contacting the case planner, Vista Ezzati at vezzatiy@glendaleca.gov or 818-937-8180.

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.

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.

Extension

Permits granted by such right or privilege 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.

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 sold, 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

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 an Administrative Use Permit 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 contacts with this office regarding this determination must be with the Case Planner 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, Vista Ezzati, at 818-937-8180 or vezzati@glendaleca.gov.

Sincerely,
Bradley Calvert
Director of Community Development


Erik Krause
Planning Hearing Officer

CC; City Clerk (K.Cruz); Building and Safety (M.Lhotsky); Neighborhood Services Division (J.Sada); Design Review & Historic (J.Platt/K.Conley); Economic De. (M.Berry); Housing (P.Zovak / M. Fortney); Urban Design and Mobility (F.Zohrevand); Parks, Recreation and 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/R.Takidin/F.Garcia); Glendale Water & Power--Electric Section (C.Babakhanlou/ S.Boghosian / F.Garcia/ H.Barkhordian/ D.Scorza); Police Dept. (Lt.S.Riley/Z.Avila); Dir. Of Public Works (Y.Emrani); Engineering and Land Development (A.Avazian/ S.Oganesyan / 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– Vista Ezzati.