



CITY OF GLENDALE, CALIFORNIA

Community Development
Planning

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December 6 , 2023

Alex Woo
Genesis Consulting, Inc.
3435 Wilshire Boulevard, Ste 1030
Los Angeles, CA 90010

**RE: 117 WEST CALIFORNIA AVENUE
ADMINISTRATIVE USE PERMIT CASE NO. PAUP-002040-2023
(Bratmbier)**

Dear Mr. Woo:

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 on-site sales, service, and consumption of beer and wine (ABC License Type 41) at a new proposed fast food restaurant (Bratmbier) located at **117 West California Avenue**, in the "(DSP/MO)" - Downtown Specific Plan/Mid-Orange District, described as Lot 36, Glendalia Park Tract / APN: 5643-020-048 in the City of Glendale, County of Los Angeles.

CODE REQUIRES

- 1) The sale of alcoholic beverages requires an Administrative Use Permit in the Downtown Specific Plan/Mid-Orange District (Table 3-A-3).

APPLICANT'S PROPOSAL

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

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 beer and wine at a new fast food restaurant and there is no additional 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 proposed use will be consistent with the various elements and objectives of the general plan.

The applicant is requesting to establish a new 864 square foot fast food restaurant (Bratnbier) with beer and wine service (Type 41). The proposed use will be consistent with the elements and objectives of the Downtown Specific Plan and the General Plan. The subject site is located within Downtown Specific Plan/Mid- Orange District.

The subject site is located within a commercial area, surrounded by retail stores, counter and full-service restaurants, and personal services. Full alcoholic beverages for on-site sale, service and consumption at this location is permitted within the Downtown Specific Plan/Mid-Orange District of the City and will provide an option for the community and clients to purchase beer and wine for on-site consumption. Retail and service uses are permitted in the "DSP/MO" Zone and are consistent with the Mid-Orange land use designation. The Downtown Specific Plan is the most directly related to the approval of this use and the other elements of the General Plan, including the Open Space, Recreation, Housing, Circulation, and Noise Elements, will not be impacted because of the applicant's request. This application does not include any added floor area or modifications to the existing tenant space, therefore, there will be no increase in the required parking for the use.

The Circulation Element identifies both California Avenue and Orange Street as an Urban Collector. Both of these streets 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 allow the on-site sale, service and consumption of beer and wine beverages is not anticipated to create any negative traffic related impacts on these streets and the 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 sale of beer and wine for on-site consumption 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 3018.02 where the suggested limit for on-sale alcohol establishments is five. Currently, there are 30 on-

sale establishments located in this tract and this restaurant will bring the total licenses to 31 in this Tract. Based on Part 1 crime statistics for this Census Tract, there were 239 crimes in 2021, 43 percent above the citywide average of 167. Currently, there is no "active" or "pending" liquor license for this location, per the ABC website as noted by the Glendale Police Department. According to the Police Department, there were no calls for Police service at this location within the last calendar year. The Glendale Police Department did not cite any concerns with the applicant's request to allow the new restaurant to offer the on-site sale, 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.

It is not anticipated that the applicant's request to provide on-site sales, service and consumption of beer and wine will be detrimental to the community or adversely conflict with the community's normal development of surrounding properties, as conditioned. The existing tenant space is surrounded by various commercial uses that features other complementary businesses, including retail and service uses. It is not anticipated that any negative impacts to the community would occur based on the applicant's request to allow beer and wine sales for on-site consumption. There are multi residential buildings to the west of the property. The Glendale Masonic Center is located at 244 N. Maryland Avenue, southeast corner of California and Maryland Avenues, is 0.6 miles away from the subject site. The American Baptist Church is located at 209 N. Louise Street and is 0.8 miles from the subject site. The proposal and incidental sale of beer and wine is not anticipated to cause any conflicts with surrounding development in the future and will not adversely impact existing facilities, property values, or developments within the surrounding area.

There were no concerns or comments submitted by the Police Department or Neighborhood Services Division that would indicate that the approval of a type 41 Alcoholic Beverage License for the new full-service restaurant 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 Administrative Use Permit request for beer and wine sales, service and on-site consumption will not require any new city services, nor will it require any changes to the landscaping, parking or traffic circulation. The commercial building was built in 1941 and had a retail/service establishment. The prior uses and new uses at the location will be serviced with utilities for water, electricity, sewer, and trash. For the

current request, the ability to sell, serve and consume beer and wine at the restaurant will remain a complementary use and is not anticipated to increase the need for public or private facilities. No changes are anticipated for the parking demand, as the request does not propose to add additional floor area to the building. Changes in use from medical office to fast food restaurant will not require additional parking space per Zoning Code Section 30.32.030 (C)(2). The surrounding neighborhood is also developed with adequate public and private facilities and infrastructure. The Circulation Element identifies California Avenue and Orange Street as an Urban Collector. These streets are fully developed and can adequately handle the existing traffic circulation around 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 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 is 43 percent above the citywide average of 167 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 proposed operation of new full-service restaurant with the sale of beer and wine for on-site sale, service, and consumption 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 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 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 Alcoholic Beverage Control (ABC) license. Consumption of alcoholic beverages will only be on those same licensed areas.
6. That no patron of the restaurant shall be allowed to bring any alcoholic beverages that were purchased off-site, unless the restaurant has an established corkage policy allowing and regulating such.
7. 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.
8. 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.

9. 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.
10. That the service of alcohol shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control.
11. 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. No amplified sound may be produced without first obtaining an "Amplified Sound Permit."
12. That no live entertainment is permitted without a "Live Entertainment Permit."
13. 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.
14. That the sale of alcoholic beverages for consumption off the premises is strictly prohibited.
15. No patron to any of the business establishments will be allowed to bring into any establishment or maintain in the establishments, 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.
16. That the establishment's manager and or staff should be proactive in the enforcement of the City of Glendale Clean Air Act.
17. That the new fast food restaurant (Bratmbier) shall obtain a new Business Registration Certificate (BRC) in accordance with City requirements.
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.

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 **DECEMBER 21, 2023**.

All appeals must be filed using the City's online permitting and licensing portal: www.GlendalePermits.org, at the Permit Services Center (PSC), 633 East Broadway, Room 101, Monday thru Friday 7:00 a.m. to 5:00 p.m. Information regarding appeals, appeal forms and fees may be obtained by calling the Community Development Department staff at 818-548-2140, or the case planner, Shoghig Yepremian at 818-937-8135.

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

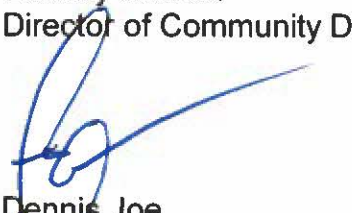
Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over Administrative Use Permits. To consider the revocation, the Director of Community Development shall hold a public hearing after giving notice by the same procedure as for consideration of an 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 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, Shoghig Yepremian at 818-548-8135 or syepremian@glendaleca.gov.

Sincerely,
Bradley Calvert
Director of Community Development



Dennis Joe
Planning Hearing Officer

DJ:SY:sm

CC: City Clerk (K.Cruz); Building and Safety (S.Hairapetian); 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.A.Krillorian/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– and case planner Shoghig Yepremian.