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June 25, 2024

Tina Gasparyan 942 North Brand Boulevard Glendale, CA 91202

RE: 942 North Brand Boulevard ADMINISTRATIVE USE PERMIT CASE NO. PAUP-002407-2023

Dear Tina Gasparyan:

The Director of Community Development will render a final decision on or after Friday, July 5, 2024, for the following project:

Project proposal: Application for an Administrative Use Permit (AUP) to allow the onsite sales, service, and consumption of beer and wine (ABC License Type 41) at an existing fast-food restaurant with sidewalk dining (The Little Goat Pizza House), in the C3 (Commercial Services) Zone District.

STAFF RECOMMENDATION: APPROVE WITH CONDITIONS

DRAFT CONDITIONS OF APPROVAL

- 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.
- 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 the restaurant shall be operated in full accord with applicable State, County, and local laws.
- 4. 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.
- 5. 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.

- 6. Sufficient measures shall be enforced to effectively eliminate interior and exterior loitering, parking congestion, distributing noise, distributing light, loud conversation, and criminal activities.
- 7. 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.
- 8. 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 in those same licensed areas.
- 9. The sale of beer, wine, and/or distilled spirits for consumption off the premises is strictly prohibited.
- 10. 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.
- 11. 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.
- 12. 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.
- 13. No live entertainment is permitted without a "Live Entertainment Permit". No karaoke, no bikini activities or events, no lingerie activities or events, no swimwear activities or events, nor any similar activities or events be allowed where partial clothing of male, female, or any individual for entertainment is provided.
- 14. There shall be no video machine maintained on the premises.
- 15. 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 the laws and conditions of this approval.
- 16. That adequate means shall be provided for the collection of solid waste generated at the side and that all recyclable items shall be collected and properly disposed of to the satisfaction of the Integrated Waste Administrator of the City of Glendale. No trash containers shall be stored in any parking, driveway, or landscaping area.
- 17. The Manager and/or Staff shall enforce the City of Glendale Fresh Air Ordinance (Title 8, Chapter 8.52 of the Glendale Municipal Code).
- 18. An establishment that primarily provides for the on-premises sale, serving, and consumption of alcoholic beverages and that derives more than fifty (50) percent of gross revenues from the sale of alcoholic beverages is by definition of the code a "tavern" and requires approval of a separate conditional use permit. Taverns include bars, pubs, cocktail lounges, and similar establishments.

19. The business shall apply for a Business Registration Certificate (BRC). Apply at <u>GlendalePermits.org</u>. To learn more, visit the Community Development Department on the Internet and search for "Business Registration."

PROJECT BACKGROUND

The fast-food restaurant, the Little Goat Pizza House, established in 2023, has 24 seats and occupies one 1,116-square-foot tenant space in the Brand Promenade. Between the sidewalk and the building front is a small public amenity area, approximately four feet deep and nine feet wide, or 36 SF, used for outdoor sidewalk dining for 8 additional seats.

Previous Permits for the Site:

On November 30, 2018, a Design Review Exemption, PDREXEM1830228, was approved for the replacement of storefront wood windows with aluminum material, keeping the existing brick sill and edge detail.

On January 20, 2022, a Design Review Exemption, PDREXEM2200778, was approved for minor modifications to the street-front facade, including a door and storefront window.

From 2021 through January 2023, the Glendale Permit Services Division approved plans and inspected permitted interior demolition, and interior shell construction, along with permits for mechanical, electric, plumbing, and fire suppression. The previous, 2,273-SF tenant area was split into two tenant areas. This was in conjunction with a 1,116-SF tenant improvement permit (BB2200762), including a change of use to a new restaurant with no added square footage.

Related Concurrent Permit Application(s):

In 2022, a Business Registration Certificate, BRC-000391-2022, was obtained and expired on December 28, 2023. The applicant will need to apply for a renewal to the Glendale Licensing Division.

In 2024, a sidewalk dining permit and license, SWD-001947-2024, was granted for the year 2024. The Glendale Al Fresco Program is coordinated by the Glendale Economic Development Division and administered by the Glendale Public Works Department.

In June 2024, an AB-2097 Parking Reduction Request, PAB2097-003137-2024, was granted to not require additional parking for a change of land use from the previous retail tenant to the current fast-food restaurant tenant.

Environmental Determination:

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

General Plan:

Community Services

Zone:

Commercial Service (C3), Height District III

Description of Existing Property and Uses:

The fast-food restaurant (The Little Goat Pizza House), established in 2023, is a tenant in the Brand Promenade commercial building that includes other retail, service, and restaurant uses within the renovated modern-design storefront along Brand Boulevard. Permits were issued in 2022 to split a previous tenant space into two tenant spaces with construction completed in 2023 for the associated changes of use and tenant improvements. The restaurant opened to the public in 2023. The 1,116 square-foot tenant space features a public amenity area, approximately 36 square feet, adjacent to the storefront window, beside the entrance fronting Brand Boulevard. The entrance to the restaurant is located along Brand Boulevard, neighboring another restaurant adjacent to the north that has a secondary frontage along Fairview Avenue. The primary entrance for the fast-food restaurant is on Brand Boulevard, and an ancillary exit to the alley, in case of emergency, is in the rear of the tenant space through the kitchen.

Neighboring Zones and Uses

Direction	Zone	Existing Land Use
North	Commercial Service (C3), Height District III; and Medium-High Density Residential (R-1650)	Retail, service, restaurant, places of worship, and multifamily residential uses
South	Commercial Service (C3), Height District III	Retail, service, and restaurant uses
East	Commercial Service (C3), Height District III; and Medium-High Density Residential (R-1650)	
West	Commercial Service (C3), Height District III; and Community Commercial (C2), Height District II	Retail and restaurant uses and places of worship, multifamily residential, and off-street parking uses
Project Site	Commercial Service (C3), Height District III	Fast-food Restaurant

COMMENTS FROM OTHER CITY DEPARTMENTS:

City departments and/or divisions documented no major concerns. Police provided crime statistics of this location's census tract and suggested standard conditions. Neighborhood Services commented that the business needs to apply for a business registration certificate. This will be a condition if the Administrative Use Permit (AUP) is approved.

PROJECT ANALYSIS

The applicant requests an AUP to allow the on-site sales, service, and consumption of alcoholic beverages (ABC License Type 41) at a recently established restaurant (the Little Goat Pizza House).

The on-site sales, service, and consumption of alcoholic beverages are 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 subject site is located within the Commercial Service (C3) Zone, Height District III. The site's land use designation is Community Services, where retail and restaurant use along minor arterials, such as North Brand Boulevard, are desired. One of the purposes of this designation is to encourage the clustering of more intense uses for mutual benefit and to limit more intense uses in a number of locations. The subject site is a storefront tenant among others at the Brand Promenade.

There is no anticipation of any negative traffic-related impacts. Brand Boulevard north of Glenoaks Boulevard is a minor arterial street, fully developed for adequate traffic circulation. This is a desirable location for retail and restaurant uses, with fewer parking limitations and access controls, with some on-street parking. Activity centers within the City surround the project site. The area is pedestrian-friendly, conducive to sidewalk dining, and near high-quality transit. There is no anticipation of any negative noise-related impacts because the majority of restaurant activity is inside the building, sidewalk dining-related noise would be dispersed across the wide Brand Boulevard, and the city enforces an ordinance that limits excessive noise. There is no anticipation of negative impacts pertaining to open space, recreation, and housing.

Fast-food restaurants typically do not exacerbate crime. Generally, the on-site sales, service, and consumption of alcoholic beverages at a fast-food restaurant will have no detriment to the neighborhood's health, safety, and public welfare. The Glendale Police Department did not cite any concerns with the applicant's request to allow the operation of a fast-food restaurant with on-site sales, service, and consumption of alcoholic beverages at this location. The subject restaurant is located within a census tract that does not exceed twenty (20) percent of the city average for uniform reporting of violent crimes and property crimes. The Police Department suggested conditions of approval, included herein, to mitigate any potential negative impacts.

There is no anticipation that the operation of a fast-food restaurant with ancillary on-site sales, service, and consumption of alcoholic beverages will be detrimental to the community, nor will it adversely conflict with the community's surrounding and already developed properties. Nearby land uses typically incompatible with the subject use are a place of worship and multifamily residences; however, potential cumulative impacts are negligible because these land uses are situated north of downtown in a commercial service neighborhood, intermingled with other restaurant uses, and the proposed use is across the street. There were no concerns or comments submitted by the Neighborhood

Services Division that would indicate a negative impact from this fast-food restaurant on the surrounding area. The proposed conditions of approval will mitigate any potential negative impact on the surrounding properties.

The applicant's request will not result increase the demand of public or private facilities. The project site is developed and associated facilities exist. The applicant's request 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.

Overall, the applicant's request to allow the on-site sales, service, and consumption of alcoholic beverages at the proposed fast-food restaurant, the Little Goat Pizza House, is supportable based on the facts surrounding this application and the findings.

DRAFT FINDINGS

A. The existing use will be consistent with the various elements and objectives of the General Plan because it is a commercial service compatible with the design and characteristics of the neighborhood.

The on-site sales, service, and consumption of alcoholic beverages at an existing fastfood restaurant (the Little Goat Pizza House) will be consistent with the various elements and objectives of the General Plan. The subject site is located within the Commercial Service (C3) Zone, Height District III. The Land Use Element of the General Plan is most directly related to the approval of this use, as it designates the subject site Community Services. One of its programmatic goals is to "continue to emphasize within the framework of regional economic growth improved commercial activities within the Central Glendale area" (Land Use Element, page 7). Goods and services offered in this zone generally serve community shopping and personal service functions (GMC Section 30.12.010), and the Brand Promenade is a destination conducive to said services. The on-site sales, service, and consumption of alcoholic beverages are 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 site land use designation is Community Commercial Service/Center, where retail and restaurant use along minor arterials, such as North Brand Boulevard, are desired. One of the purposes of this designation is to encourage the clustering of more intense uses for mutual benefit and to limit more intense uses in several locations (Land Use Element, page 23).

There is no anticipation that the applicant's request to operate a fast-food restaurant with the sale of alcoholic beverages for on-site consumption will increase traffic nor create any negative traffic-related impacts along this street and other businesses. The Circulation Element Street Classification Map identifies Brand Boulevard north of Glenoaks Boulevard as a minor arterial street. Compared to major arterials, this type of street has fewer parking limitations with some on-street parking and fewer access controls to adjacent land uses (Circulation Element, p 2-7). This street is fully developed and can adequately handle the existing traffic circulation around the site. A land use

pattern that serves activity centers within the City surrounds the project site. This section of Brand Boulevard is within a ½ mile of high-quality transit and has pedestrian-oriented streetscape features such as curb extensions and wide sidewalks conducive to sidewalk dining.

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 to allow the operation of a recently established, fast-food 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.

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 because it is a commercial service that typically does not increase crime in a low-crime census tract.

The on-site sales, service, and consumption of alcoholic beverages at the fast-food restaurant will have no detriment to the neighborhood's health, safety, and public welfare. According to the Glendale Police Department, the subject property is in Census Tract 3011 where the suggested limit for on-sale establishments is six. Currently, there are three on-sale licensed establishments, and the subject restaurant will bring the total to four. Based on statistics of violent crimes and property crimes, for Census Tract 3011 in 2021, there were 111 crimes, thirty-four percent (34%) below the city-wide average of 167. There have not been any calls for service to the Glendale Police Department at the subject location within the last calendar year. The Glendale Police Department did not cite any concerns with the applicant's request to allow the operation of a fast-food restaurant with on-site sales, service, and consumption of alcoholic beverages at this location. The Police Department suggested conditions of approval, included herein, to mitigate any potential negative impacts. Furthermore, the subject restaurant is located within a census tract that does not exceed twenty percent (20%) of the city average for FBI Uniform Crime Reporting Part 1 crimes.

C. That the use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property because it is situated north of downtown in a commercial service neighborhood with primarily compatible uses and characteristics.

The operation of a fast-food restaurant with ancillary on-site sales, service, and consumption of alcoholic beverages will not be detrimental to the community, nor will it adversely conflict with the community's surrounding and already developed properties. The subject property is located at the Brand Promenade and among complementary businesses, including retail, service, and residential uses in the immediate vicinity. Nearby land uses typically incompatible with the subject use are a place of worship and multifamily residences; however, potential cumulative impacts are negligible because these land uses are situated north of downtown in a commercial service neighborhood,

intermingled with other restaurant uses, and the proposed use is across the street. Otherwise, no public facilities and schools are near the subject site. There were no concerns or comments submitted by the Neighborhood Services Division that would indicate a negative impact from this existing fast-food restaurant on the surrounding area. The proposed conditions of approval will mitigate any potential negative impact 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 because it will not result in an increased demand for vehicle parking, nor require changes to the built environment.

The applicant's request to allow the on-site sales, service, and consumption of alcoholic beverages at an existing fast-food restaurant will not result in inadequate public or private facilities. The project site is developed and associated facilities exist.

Recently, the applicant for the Little Goat Pizza House received approval of an AB-2097 Parking Reduction Request, which pertains to California Assembly Bill 2097. AB-2097 is a law that affects the number of parking spaces needed for new establishments within a half-mile of high-quality transit stops. Public agencies cannot require a minimum number of parking spaces for any new residential, commercial, or other development project within a half-mile of a high-quality transit stop. A decision letter acknowledging this request would allow the fast-food restaurant to comply with land use permit requirements of zoning code without providing off-street parking.

While the Brand Promenade has no on-site parking, it is located within ½ mile of high-quality transit and has vehicular access from the surrounding streets, including East Fairview Avenue. These streets are fully developed and can adequately handle the traffic circulation around the site. There is no anticipation that the restaurant with on-site alcoholic beverage sales will result in an increased demand for vehicle parking. Accordingly, the applicant's request to allow the operation of a new fast-food restaurant with on-site sales, service, and consumption of alcoholic beverages in an existing commercial tenant space will not require any new city services or public facilities, 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. Furthermore, the subject's census tract does not exceed the suggested limit for on-sale establishments.

- 2 That where the existing or proposed use is located in a crime reporting district with a crime rate which exceeds twenty (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 to ensure that any potential negative impacts will be appropriately mitigated, as described in Finding B above. Furthermore, the subject's census tract does not exceed twenty percent (20%) of the city-wide average for part 1 crimes.
- 3. That the existing or proposed use does not or will not adversely impact any other uses within the surrounding area (place of worship, 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 fast-food 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.

For more information or to submit comments, please contact the case planner, Alan Lamberg, at 818-937-8158 or <u>ALamberg@glendaleca.gov</u>

ATTACHMENT:

- 1. Location Map
- 2. Reduced Plans
- 3. Departmental Comments