



CITY OF GLENDALE, CALIFORNIA

Community Development
Planning

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glendaleca.gov

December 16, 2020

Brick & Flour LLC
Attn: Gary Kirikian
1015 N. Pacific Avenue
Glendale, CA 91202

**RE: 1015 NORTH PACIFIC AVENUE
ADMINISTRATIVE USE PERMIT CASE NO. PAUP 2011796
(Brick & Flour LLC)**

Dear Mr. Kirikian:

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 the sale of beer and wine for on-site consumption (ABC License Type 41) at an existing counter service restaurant, located at **1015 North Pacific Avenue**, in the “C1” – Neighborhood Commercial Zone, described as Lots 29 and 30, Tract No. 4764, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

(1) The sale of alcoholic beverages requires an Administrative Use Permit in the “C1” Zone (Chapter 30.12.020, Table 30.12.-A).

APPLICANT’S PROPOSAL

(1) To allow the sale and dispensing of beer and wine for on-site consumption (ABC License Type 41) at an existing 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 the discretionary permit request is to allow for the on-site sales, service and consumption of beer and wine at an existing counter service restaurant within an existing commercial space and there is no added floor area proposed.

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 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 existing use will be consistent with the various elements and objectives of the general plan.

The sale of beer and wine for on-site consumption within the existing counter service restaurant will be consistent with the various elements and objectives of the general plan. The project site is located within the Neighborhood Commercial (C1) zone. Goods and services that are offered in this zone generally attract clientele from the adjoining residential neighborhoods as well as the surrounding community. The Land Use Element of the Glendale General Plan designates the subject site as Neighborhood Commercial where counter-service restaurants are desired. The applicant's request to sell beer and wine for on-site consumption within the existing counter service restaurant is consistent with the goals of the area to promote business and pedestrian-friendly commercial uses.

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 is not designated for open space or recreation uses. The on-site sales, service and consumption of beer and wine within the existing counter service restaurant is consistent with the Noise Element and is not anticipated to increase the existing noise levels beyond the current conditions. This application does not include any new floor area or modifications to the existing building, and adequate utilities, landscaping, and traffic circulation measures are already provided.

The Circulation Element identifies North Pacific Avenue as a minor arterial. This street is fully developed and can adequately handle the existing traffic circulation around the site. The applicant's request to operate the existing counter service restaurant with the sale and service of beer and wine for on-site consumption is not anticipated to create any negative traffic-related impacts along North Pacific Avenue or other businesses 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 operation of a counter service restaurant with the sale and service 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 3012.06, where the suggested limit for on-sale alcohol establishments is five. Currently, there are two on-sale establishments located in this tract and Brick & Flour will be the third license in this tract. Based on Part 1 crime statistics for

Census Tract 3012.06 there were 69 crimes in 2019, 63% below the city wide average of 189. Within the last calendar year there were four calls for police service at this location, however none of the calls were directly related to alcohol sales or specific to the tenant space, where the alcohol sales, service or consumption is proposed. The fourth call came in on April 20, 2020 related to individuals not wearing masks or complying with social distancing orders, however no police report was taken. Approval of the Administrative Use Permit will require the applicant to obtain the necessary license from the State Department of Alcoholic Beverage Control. Additionally, the Glendale Police Department has suggested 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 sale of beer and wine for on-site consumption at the existing counter service restaurant, "Brick & Flour," will not adversely conflict with adjacent uses or impede the normal development of surrounding property, as conditioned. The applicant's request to sell beer and wine for on-site consumption would not conflict with adjacent and surrounding land uses and in fact, this type of use is encouraged in this area. The existing counter service restaurant will not impede normal development within the surrounding area, since the project site is already fully developed and given the proposed administrative use permit is for the sale of beer and wine for on-site consumption at an existing restaurant.

There are five public facilities within the immediate area of the subject site: United States Postal Service located at 1009 North Pacific Avenue (69 feet to the south); Temple Sinai of Glendale located at 1212 North Pacific Avenue (0.2 miles to the north); Herbert Hoover High School located at 651 Glenwood Road (0.6 miles northwest); Eleanor J. Toll Middle School located at 700 Glenwood Road (0.6 miles northwest), and Mark Keppel Visual and performing Arts Magnet School located at 730 Glenwood Road (0.7 miles northwest). While these facilities and uses are within close proximity, the applicant's request will not impede the operation of or conflict with such land uses. The project is conditioned to ensure the operation will be in compliance with all applicable federal, state, and local laws. The applicant's request to allow the sale of beer and wine for on-site sales, service and consumption within the existing counter service restaurant is not anticipated to adversely impact other neighboring uses in this area.

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.

Adequate public and private facilities such as utilities, landscaping, parking spaces and traffic circulation measures are provided for the proposed use and are existing. The project site is already developed as are the associated facilities. There are a total of eight parking spaces available on-site for the property. Access to the parking area is taken from an existing alley located off West Dryden Street. The parking demand is not anticipated to intensify based on the applicant's request to allow for the on-site sales of beer and wine

for on-site consumption at the existing counter service restaurant. The Circulation Element identifies North Pacific Avenue as a minor arterial. This street is fully developed and has proven to adequately handle the existing traffic circulation around the site. The applicant's request to allow the on-site sales, service, and consumption of beer and wine will not require any new city services, nor will it require any changes to the parking or traffic circulation, as it is ancillary to the primary restaurant use.

REQUIRED ADDITIONAL FINDINGS OF FACT FOR AN ADMINISTRATIVE USE PERMIT 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 the proposed use is not located in a census tract with more than the recommended maximum concentration of on-site uses.
- 2) That the proposed use is not located in a crime reporting district with a crime rate which exceeds 20 percent of the city average of Part I crimes.
- 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 noted 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 counter service restaurant with the on-site sales, service and consumption of beer and wine does serve a public convenience for the area because it would provide beer and wine in conjunction with food service at the restaurant for 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 will only be on those same licensed areas.
- 5) That no patrons of the restaurant shall be allowed to bring into the establishment any alcoholic beverage that was purchased from outside of the restaurant, unless the restaurant has an established corkage policy allowing and regulating such.
- 6) That there shall be no video machine(s) maintained upon the premises.
- 7) That 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 or female entertainment is provided.
- 8) 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.
- 9) 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.
- 10) That 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.
- 11) The sale of alcohol for consumption off the premises is strictly prohibited.
- 12) That the restaurant shall adhere to the City's Fresh Air Ordinance, Title 15, 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 a Business Registration Certificate be applied for and issued for a counter service restaurant with sales, service and consumption of beer and wine, subject to the findings and conditions outlined in this decision letter.
- 16) 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.

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.

Due to the current COVID-19 social distancing and work from home orders issued by federal, state and local governmental agencies, in order for any appeal to be considered timely, **the appeal must be postmarked by the December 31, 2020 deadline (mailed to Community Development Department – Planning Division, Attention: Ani Garibyan, 633 East Broadway, Room 103, Glendale, CA 91206) OR emailed to the case planner (Ani Garibyan at agaribyan@glendaleca.gov) prior to the close of said business day.** The prescribed fee must be included along with the appeal application and may be submitted either in the form of a check or credit card payment. For credit card payment, please contact the case planner to make arrangements with the cashier. Note: The standard 2.5% fee for credit card payment applies.

APPEAL FORMS available on-line:

<https://www.glendaleca.gov/home/showdocument?id=11926>

If you have any questions, please do not hesitate to call me at (818) 937-8188
(email: agaribyan@glendaleca.gov)

Anyone wishing to appeal must contact the case planner to obtain forms and information regarding the appeal process and submittal.

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 Administrative Use Permits. 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 30.41 PROVIDES FOR

TERMINATION

Every right or privilege authorized by an Administrative Use Permit shall terminate two 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 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 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 exception.

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, Ani Garibyan during normal business hours at her direct line (818) 937-8188 or agaribyani@glendaleca.gov, between 8:30 a.m. to 5:30 p.m. weekdays.

Sincerely,
Philip Lanzafame
Director of Community Development



Erik Krause
Planning Hearing Officer
EK:AG:sm

cc: City Clerk (K.Cruz); Police Dept. (J.Newton/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(J.Halpert); Traffic & Transportation Section (P.Casanova/Mark Bueno-Traffic Engineer Assoc.); General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (G. Tom/S. Boghosian/R.Takidin/C.Babakhanlou/D.Scorza); 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 (R. Villaluna); and case planner – Ani Garibyan.