



CITY OF GLENDALE, CALIFORNIA

Community Development
Planning

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March 12, 2020

Terry Womack
4958 Haight Terrace
San Diego, Ca 92123

**RE: 249 NORTH GLENDALE AVENUE, SUITE "A"
ADMINISTRATIVE USE PERMIT CASE NO. PAUP 1923379
(CALIFORNIA FISH GRILL)**

Dear Applicant:

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 at a new fast food restaurant (ABC License Type 41) in the "C2" - Community Commercial Zone, located at **249 North Glendale Avenue, Suite "A"**, described as Lots 1 – 4, PM 283-65-68 in the City of Glendale, County of Los Angeles.

CODE REQUIRES

(1) On-site sales, service and consumption of beer and wine requires an Administrative Use Permit in the Community Commercial Zone.

APPLICANT'S PROPOSAL

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

ENVIRONMENTAL RECOMMENDATION

The project is exempt from CEQA review per State CEQA Guidelines Section 15301, Class 1 "Existing Facilities" because this application is for on-site sales, service, and consumption of beer and wine at a new fast food restaurant. This is a change in use within an existing tenant space. There are no proposals to add floor area to the restaurant.

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:

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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 subject site is located in the C2-II (Community Commercial) Zone and the General Plan Land Use Element designation is Commercial-Community Services. A fast food restaurant is a permitted use within the C2 (Community Commercial) zone and therefore, consistent with the land use designation. Goods and services that are offered in this zone generally attract clientele from the adjoining residential neighborhoods as well as the surrounding community. The sale, service, and consumption of beer and wine for on-site consumption at this location is intended to complement the fast-food restaurant and is appropriate in an area of the city zoned for both residential and commercial uses.

The sale, service, and consumption of beer and wine for on-site consumption at the new restaurant will be consistent with the elements and objectives of the General Plan. The Land Use Designation of the site is Commercial-Community Services. These areas are generally located along the city's major arterials, like Glendale Avenue to allow for compatible and varied uses such as personal services, retails, and offices to provide services to the community. These streets are fully improved serving a multitude of businesses and residential developments. They can adequately handle the existing traffic circulation around the site. The applicant's request to allow the sale, service, and consumption of beer and wine for on-site consumption is not anticipated to create any negative traffic-related impacts on East California Avenue and North Glendale Avenue over and above the existing conditions. Providing such services along a major arterial that is conveniently located is in keeping with the City's policies to reduce automobile trips and encourage walking. As such, traffic should not be impacted and will be in compliance with the Circulation Element.

The project site is already developed and the applicant's request is only to allow on-site sales, service, and consumption of beer and wine at the proposed fast food restaurant. The subject tenant space is surrounded by other complementary businesses, including retail and service uses to the west and south side of the project. Multi-family residential neighborhoods are located on the north (across California Avenue) and on the west side of the project site (across Isabel Street). No residential development directly abuts the subject site. Other elements of the General Plan, including Open Space, Recreation,

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Housing, and Noise Elements, will not be impacted as a result of the applicant's request. The subject business provides additional dining opportunities to the surrounding community as intended by the General Plan. This application does not include any added floor area, just a tenant improvement to the existing tenant space. However, since this is a change in use from a personal service use to a fast food restaurant additional parking would be required. The change in use requires 26 additional parking spaces. Under the current tenant mixture in the center there are 11 retail stores totaling approximately 235,000 square feet, four fast-food restaurants totaling about 7,000 square feet total, and one financial institution at 3,000 square feet. The 16 tenants in the center would require about 990 parking spaces are required; whereas with the new fast food restaurant 1016 parking spaces would be required. Therefore, there would be approximately 134 parking spaces in excess of that required. Adequate utilities, landscaping, and traffic circulation measures are already provided.

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 proposed sales, service, and consumption of beer and wine for on-site consumption at the new fast food restaurant will not be detrimental to the health, safety and public welfare of the neighborhood. According to the Glendale Police Department, the subject property is located in Census Tract 3020.02 where the suggested limit for off-sale alcohol establishments is three. Currently, there are 24 on-sale establishments located in this tract and California Fish Grill would increase the total to 25 licenses. Fast food restaurants, similar to the new restaurant, frequently sell beer and wine for on-site consumption as part of their service. This ancillary service is not typically associated with public drunkenness or other alcohol-related crimes. Based on Part 1 crime statistics for this Census Tract, there were 251 crimes, which is above the citywide average of 167 in 2019. The Glendale Police Department did not cite any major concerns related to the proposed sale, service, or consumption of beer and wine at the new fast food restaurant and it is unlikely that the proposed request will increase crime in the area above the existing conditions. Additionally, the Police Department has recommended 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.

It is not anticipated that the sale, service or consumption of beer and wine for on-site consumption at the proposed fast food restaurant will adversely affect or conflict with adjacent uses or impede the community's normal development. The proposed fast food restaurant mainly serves fresh grilled fish and is considered a "fast casual seafood restaurant". The sale of beer and wine for on-site consumption should not cause any conflicts with surrounding development and it is not anticipated to have adverse conflicts with surrounding properties or uses in the future.

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The subject property is surrounded by other businesses including retail and service type uses and residential neighborhoods on the north (across California Avenue) and on the west side of the subject property across Isabel Street. There are five schools, three churches, and a college within immediate area of the subject site. A-Plus Adventist Preschool and Glendale City Church at the west side of the subject property, across a driveway access to the subject parking area from California Avenue. Glendale University College of Law is located approximately 0.1 miles away from the subject site along Glendale Avenue. Kara Preschool and Zion Lutheran Church are located at the north side of the subject site, at intersection of North California Avenue and North Isabel Street. Allan F Daily High School and Cloud Preschool are located approximately 0.1 miles southwest of the subject site. First United Methodist Church is located approximately 0.2 miles away at the southwest side of the site at intersection of North Kenwood Street and East Wilson Avenue. Additionally, RD White Elementary School is located approximately 0.3 miles away at the northeast of the subject building. While these uses and facilities are within close proximity, the sale of beer and wine for on-site consumption at the proposed fast food restaurant should not impact the surroundings or abovementioned uses. The recommended conditions of approval will serve to mitigate any potential impacts on the surrounding properties and uses.

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 sale, service and consumption of beer and wine for on-site consumption at the proposed fast food restaurant will not result in inadequate public or private facilities. The project site is already developed and associated facilities are existing. Per finding A, above, the existing on-site parking should meet the parking demand of the subject property and will not result in conflicts with the existing nearby businesses or residential developments. The site has access from Glendale Avenue, which is identified as a fully developed major arterial in the Circulation Element. The site also has access from Wilson Avenue, a minor arterial on the south side of the site and from California Avenue, an urban collector on the north side of the property. Urban collectors take traffic from local streets and distribute that traffic to the major/minor arterials and Glendale Avenue, a fully developed major arterial can adequately handle the existing traffic circulation adjacent to the site.

Moreover, the majority of the loading takes place in the shared dock area at the rear of the store, facing California Avenue. Therefore, the sale, service and consumption of beer and wine at this proposed fast food restaurant for on-site consumption will not drastically increase traffic in the existing facility or in the surrounding area. Additionally, no expansion of the existing use is being proposed so no additional parking is required.

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**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 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 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, both as recommended by the California Department of Alcoholic Beverage Control, 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 based on the comments submitted by the City of Glendale Police Department. The sale of beer and wine for on-site consumption at the proposed fast food restaurant will not tend to encourage or intensify adverse impacts within this reporting district as noted 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 1 crimes, as reported by the Glendale Police Department, such use does not or will not tend to encourage or intensify crime within the district. As noted in Finding B above, the crime rate in Census Tract 3020.02 is 50% above the citywide average for Part 1 crimes. No evidence has been presented that the sale of beer and wine for on-site consumption at the proposed fast food restaurant would encourage or intensify crime within the district. Conditions of approval are recommended by the Police Department to ensure that the approval of this AUP will not tend to encourage or intensify crime within the district.
- 3) That the existing or proposed use does not or will not adversely impact any other uses within the surrounding area (churches, public or private schools or colleges, day care facilities, public parks, libraries, hospitals or residential uses). As noted in Finding C above, there are five schools, three churches, and a college within the immediate area of the subject site. While these facilities and uses are within close proximity, the on-site sales, service, and consumption of beer and wine at the proposed fast food restaurant should not impact the surrounding or abovementioned uses. While the proposed fast food restaurant (California Fish Grill) is new to the commercial center there are other similar uses adjacent to this tenant space that have not adversely affected or conflicted with other adjacent uses and public facilities.

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- 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 noted in Findings A, C and D above, the applicant's request is not anticipated to increase the need for public or private facilities. The ancillary sale, service, and consumption of beer and wine for on-site consumption at the proposed fast food restaurant (California Fish Grill) is not anticipated to intensify traffic circulation or parking demand. The site is fully developed and adequate parking and loading facilities are currently provided.
- 5) That, notwithstanding consideration of the criteria in subsections 1 through 4 above, alcoholic beverage sales, service and consumption for on-site consumption does serve a public convenience for the area. The applicant's request for the proposed sale, service and consumption of beer and wine for on-site consumption at the proposed fast food restaurant (California Fish Grill) does serve a 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 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, County 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, disturbing noise, disturbing light, loud conversation, and criminal activities.
4. That at all times when the premises are open for business, the service of beer and wine 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.
5. That the sales, service or consumption of beer and wine shall be permitted only between the hours of 10:00 am to 10:00 pm, seven days a week, and only when the restaurant is also open for service.

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6. 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.
7. That there shall be no video machine(s) maintained upon the premises.
8. 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.
9. 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.
10. That the front and back doors of the restaurant shall be kept closed at all times while the location is open for business, except in case of emergency.
11. That the sale of beer and wine 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 Services Divisions, Police Department, and Fire Department staff upon request for the purpose of verifying compliance with all laws and conditions of this approval.
15. That a Business Registration Certificate be applied for and issued for a fast food restaurant with sales, service and consumption of beer and wine, subject to the findings and conditions outlined in this decision letter.

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

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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 **March 27, 2020** 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 5:00 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.

REVOCAION, 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 a conditional 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.

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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, Bradley Collin at (818) 548-3210 or bcollin@glendaleca.gov

Sincerely,
Philip Lanzafame
Director of Community Development



Roger Kiesel
Hearing Officer

RK:BC:sm

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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); Dir. Of Public Works (Y.Emrani); 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);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/); and case planner Bradley Collin.