

CITY OF GLENDALE, CALIFORNIA

Community Development Planning 633 E. Broadway, Suite 103 Glendale, CA 91206-4311 Tel. (818) 548-2140 Fax (818) 240-0392 glendaleca.gov

October 27, 2023

Applicant:

Tacos Los Desvelados Glendale Attn: Adolfo Valenzuela 1402 West Kenneth Road Glendale, CA 91201

RE: ADMINISTRATIVE USE PERMIT CASE NO. PAUP-001020-2023 1402 WEST KENNETH ROAD (Tacos Los Desvelados)

The Director of Community Development will render a final decision on or after November 6, 2023 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 full-service restaurant with sidewalk dining (Tacos Los Desvelados) in the C1 – Neighborhood Commercial Zone.

STAFF RECOMMENDATION: APPROVE WITH CONDITIONS

DRAFT CONDITIONS OF APPROVAL

- 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 and wine 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 beer and wine shall be permitted.
- 8. That no exterior signs advertising the sales and service of beer and wine 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 any proposed outdoor dining in the public right-of-way shall obtain the required sidewalk dinging permit from the City's Public Works Department.
- 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 laws and conditions of this approval.
- 16. 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.

PROJECT BACKGROUND

Previous Permits for the Site:

On August 11, 1999, Use & Occupancy Certificate No. UO-19707 was issued for "Art's Meat Market", a retail store.

On June 28, 2012, Zoning Use Certificate No. PZUC1123750 was issued for "Mi Corazon", a full-service restaurant.

On July 16, 2013, the Planning Hearing Officer approved Conditional Use Permit (CUP) Case No. PCUP 1307156 with conditions to allow for the on-site sales, service, and consumption of beer and wine at a new full-service restaurant. This approval expired on July 16, 2019.

On December 1, 2020, Business Registration Certificate No. BRC 3317450 was issued for "Tacos Los Desvelados", a full-service restaurant. The BRC will expire on December 9, 2023, and will have to be renewed.

Related Concurrent Permit Application(s):

There are no related concurrent permit applications.

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 beer and wine at an existing restaurant within an existing commercial space and there is no additional floor area proposed.

General Plan:

Neighborhood Commercial

Zone:

C1 – Neighborhood Commercial Zone

Description of Existing Property and Uses:

The project site is located at the southwest corner of West Kenneth Road and Grandview Avenue within the Kenneth Village commercial district, a low-scale, pedestrian-oriented shopping district located in the northwest portion of the city. The 34,870 square-foot site is developed with numerous one-story commercial buildings that accommodate a variety of businesses, such as a dry cleaner, retail bakery, a pharmacy, a restaurant, a women's fitness center, and real estate offices. Grandview Cemetery abuts the property to the south, and beyond the commercial district are single-family houses. Parking for the project site is centrally located on the lot and is accessible from Kenneth Road and Grandview Avenue with 39 parking spaces to serve the businesses

on-site. The property is generally flat in topography and is surrounded by other commercial uses along Kenneth Road. The existing full-service restaurant, Tacos Los Desvelados occupies a unit that is approximately 1,110 square-feet and has operated at this location for almost three years.

Direction	Zone	Existing Land Use
North	C1 – Neighborhood Commercial	2-story Office Building
South	C1 – Neighborhood Commercial; and CEM - Cemetery	Dry Cleaners and Grandview Cemetery
East	C1 – Neighborhood Commercial	Pharmacy
West	C1 – Neighborhood Commercial	Restaurant and Office Uses
Project Site	C1 – Neighborhood Commercial	Full-service Restaurant

Neighboring Zones and Uses

COMMENTS FROM OTHER CITY DEPARTMENTS:

No major concerns were received from the various city divisions/departments. Conditions have been received from the Police Department to ensure that any potential negative impact will be appropriately mitigated. These conditions will be made part of the decision letter if the Administrative Use Permit (AUP) is approved.

PROJECT ANALYSIS

The applicant is requesting an AUP to allow the on-site sales, service and consumption of beer and wine (ABC License Type 41) at an existing full-service restaurant with sidewalk dining (Tacos Los Desvelados). The subject site is located within the C1 (Neighborhood Commercial) Zone, and the Land Use Element of the General Plan designates the subject site as Neighborhood Commercial. Goods and services offered in this zone generally attract clientele from the adjoining residential neighborhoods. The on-site sales, service and consumption of beer and wine 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 beer and wine with their meals. The Land Use Element is the most directly related to the approval of this use and the other elements of the General Plan, will not be impacted as a result of the request. The Circulation Element identifies West Kenneth Road and Grandview Avenue as community collector streets, and they are 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 add the sale of beer and wine for on-site consumption at the existing full-service restaurant is not anticipated to create any negative traffic-related impacts along this street and other businesses over and above the existing conditions.

The on-site sales, service and consumption of beer and wine at an existing full-service restaurant 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 3014.00 where the suggested limit for on-sale establishments is four. Currently there are no on-sale establishments in this census tract and Tacos Los Desvelados will be the only one. Based on Part 1 crime statistics for census tract 3014.00 in 2021, there were 78 crimes, 53% below the city wide average of 167. Within the last calendar year, there have not been any calls for service to the Glendale Police Department for this tenant space. The Glendale Police Department did not cite any concerns with the applicant's request to add the on-site sales, service and consumption of beer and wine to an existing full-service restaurant at this location and suggested conditions of approval have been included to mitigate any potential negative impacts.

It is not anticipated that the addition of on-site sales, service and consumption of beer and wine at an existing full-service restaurant 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. The subject property is located in the Kenneth Village shopping district with complementary businesses, including retail, service and residential uses located in the immediate vicinity. There are three public facilities located in the immediate area of the subject site: Saint Kevork Armenian Church at 1434 West Kenneth Road (400 feet to the west on the same block), Grandview House Preschool at 1435 W Kenneth Road (across the street and 400 feet to the west), and Chabad Jewish Center at 1020 West Kenneth Road (300 feet to the east). While these facilities and uses are within proximity, the applicant's request will not impede their operation or conflict with such land uses. In addition, there is one park and three public schools located in the vicinity: Brand Library and Park, located at 1601 West Mountain Street (0.5 miles to the north), Mark Keppel Elementary School located at 730 Glenwood Road (1 mile to the southeast), Eleanor J. Toll Middle School located at 700 Glenwood Road (1 mile to the southeast), and Herbert Hoover High School located at 651 Glenwood Road (1 mile to the southeast). While these facilities and uses are within the vicinity, they are well outside the immediate 500' radius of the project site. There were no concerns or comments submitted by the Police Department or Neighborhood Services Division that would indicate that the on-site sales, service and consumption of beer and wine at the existing full-service restaurant, Tacos Los Desvelados, 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.

The applicant's request to allow the on-site sales, service and consumption of beer and wine at an existing full-service restaurant will not result in inadequate public or private facilities. The project site is already developed and associated facilities are existing. The existing restaurant, Tacos Los Desvelados, has been operating at this location for the last three years without any major incident. Parking for the project site is centrally located on the lot and is accessible from Kenneth Road and Grandview Avenue with 39 parking spaces to serve the businesses on-site. These streets are fully developed and can adequately handle the traffic circulation around the site, and it is not anticipated that the on-site sales, service and consumption of beer and wine at the existing restaurant

will result in inadequate parking. This application does not include any added floor area or modifications to the existing building; therefore, there will be no increase in required parking for this use. Accordingly, the applicant's request to allow the operation of a new full-service restaurant with on-site sales, service and consumption of beer and wine 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 beer and wine at an existing full-service restaurant, Tacos Los Desvelados, is supportable based on the facts surrounding this application and the findings.

DRAFT FINDINGS

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 beer and wine at an existing full-service restaurant (Tacos Los Desvelados) will be consistent with the various elements and objectives of the general plan. The subject site is located within the C1 (Neighborhood Commercial) Zone, and the Land Use Element of the General Plan designates the subject site as Neighborhood Commercial. Goods and services offered in this zone generally attract clientele from the adjoining residential neighborhoods. The on-site sales, service and consumption of beer and wine 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 beer and wine with their meals. 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 an existing full-service restaurant with beer and wine 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 West Kenneth Road and Grandview Avenue as community collector streets, and they are 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 beer and wine 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 beer and wine at an existing full-service restaurant (Tacos Los Desvelados) 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 3014.00 where the suggested limit for on-sale establishments is four. Currently there are no on-sale establishments in this census tract and Tacos Los Desvelados will bring the total to one. Based on part 1 crime statistics for census tract 3014.00 in 2021, there were 78 crimes, 53% below the city wide average of 167. 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 an existing full-service restaurant with on-site sales, 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 addition of on-site sales, service and consumption of beer and wine at an existing full-service restaurant 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. The subject property is located in the Kenneth Village shopping district with complementary businesses, including retail, service and residential uses located in the immediate vicinity. There are three public facilities located in the immediate area of the subject site: Saint Kevork Armenian Church at 1434 West Kenneth Road (400 feet to the west on the same block), Grandview House Preschool at 1435 W Kenneth Road (across the street and 400 feet to the west), and Chabad Jewish Center at 1020 West Kenneth Road (300 feet to the east). While these facilities and uses are within proximity, the applicant's request will not impede their operation or conflict with such land uses. In addition, there is one park and three public schools located in the vicinity: Brand Library and Park, located at 1601 West Mountain Street (0.5 miles to the north), Mark Keppel Elementary School located at 730 Glenwood Road (1 mile to the southeast), Eleanor J. Toll Middle School located at 700 Glenwood Road (1 mile to the southeast), and Herbert Hoover High School located at 651 Glenwood Road (1 mile to the southeast). While these facilities and uses are within the vicinity, they are well outside the immediate 500' radius of the project site. There were no concerns or comments submitted by the Police Department or Neighborhood Services Division that would indicate that the on-site sales, service and consumption of beer and wine at the existing full-service restaurant, Tacos Los Desvelados, 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 beer and wine at an existing full-service restaurant will not result in inadequate public or private

facilities. The project site is already developed and associated facilities are existing. The existing restaurant, Tacos Los Desvelados, has been operating at this location for the last three years without any major incident. Parking for the project site is centrally located on the lot and is accessible from Kenneth Road and Grandview Avenue with 39 parking spaces to serve the businesses on-site. These streets are fully developed and can adequately handle the traffic circulation around the site, and it is not anticipated that the on-site sales, service and consumption of beer and wine at the existing restaurant will result in inadequate parking. This application does not include any added floor area or modifications to the existing building; therefore, there will be no increase in required parking for this use. Accordingly, the applicant's request to allow the operation of a new full-service restaurant with on-site sales, service and consumption of beer and wine 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:

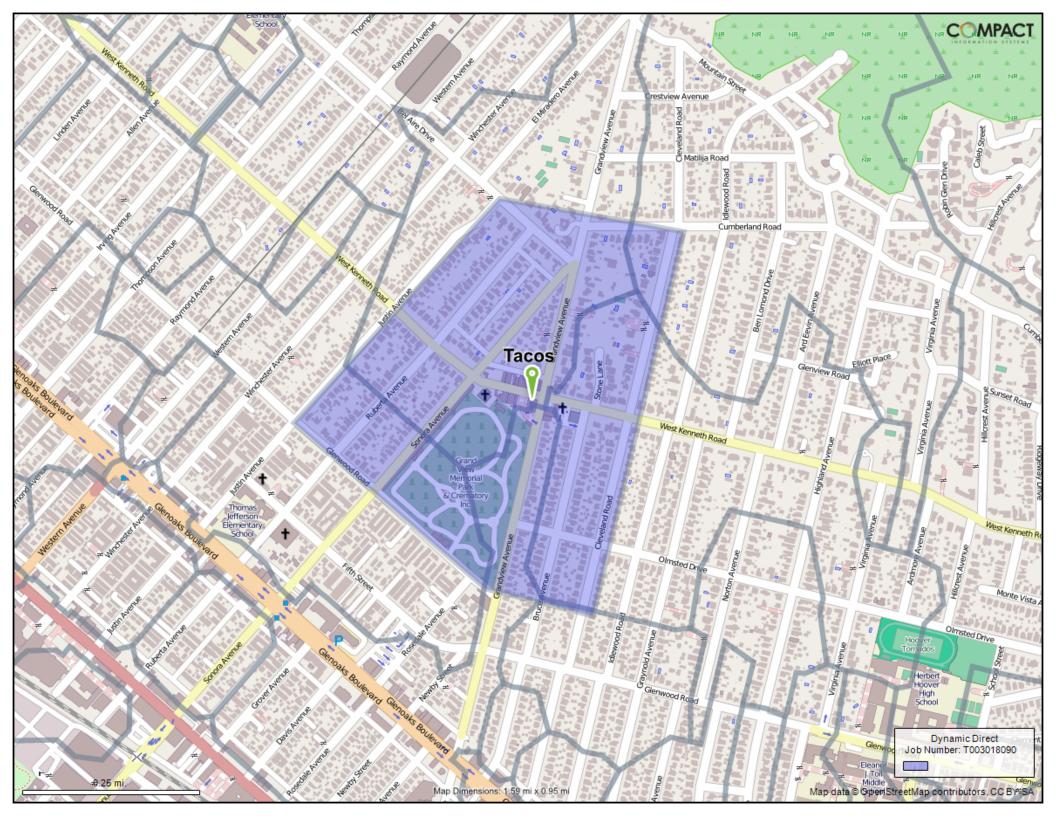
- 1. That where an existing or proposed on-site use is located in a census tract with more than the recommended maximum concentration of on-site uses or where an existing or proposed off-site use is located in a Census Tract with more than the recommended maximum concentration of off-site uses, both 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.

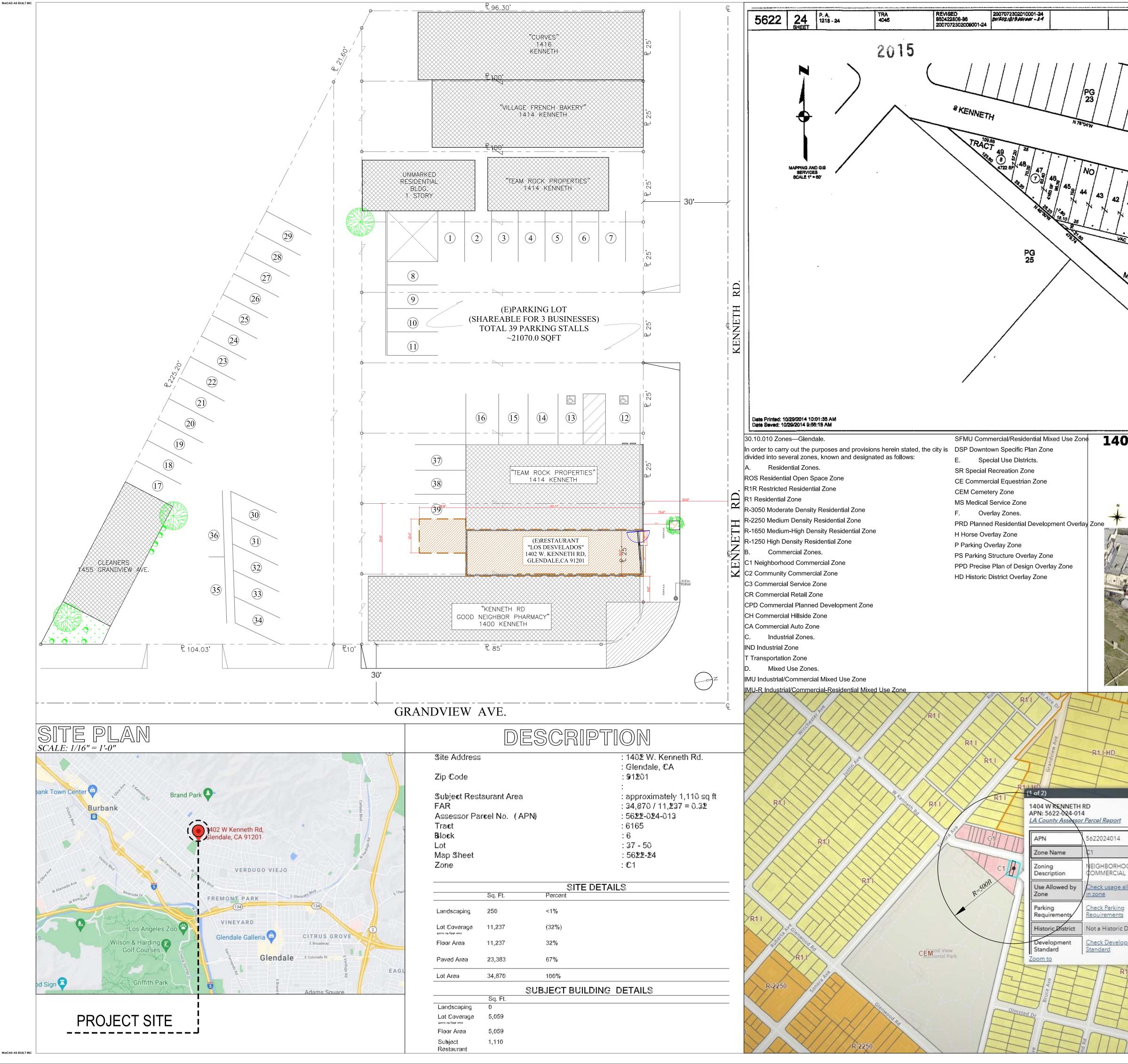
5. That notwithstanding consideration in subsections 1 through 4 above, the operation of an existing full-service restaurant with the on-site sales, service and consumption of beer and wine does serve a public convenience for the area because it serves local residents, businesses, and the surrounding 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, Vista Ezzati, at 818-937-8180 or <u>VEzzati@glendaleca.gov</u>

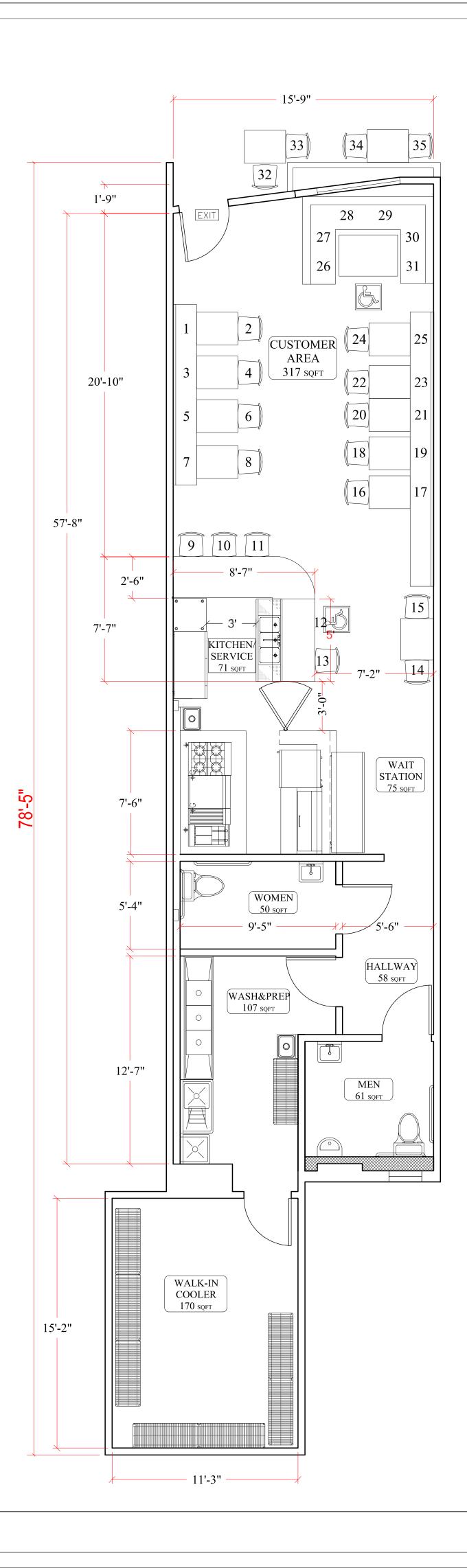
ATTACHMENT:

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





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WASH AND PREP	107	-		
HALLWAY	58	-		
OTHER AREAS	191	-		
SIDEWALK PATIO	(40)	4		
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Owner: ADOLFO VALENZUELA
Project Name: TACOS LOS DESVELADOS GLENDALE
Project Address: 1402 W KENNETH RD GLENDALE, CA 91201
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INTER-DEPARTMENTAL COMMUNICATION PROJECT CONDITIONS AND COMMENTS

Project	Project
Address: 1402 W. Kenneth Rd.	Case No.: PAUP-001020-2023
If project comments are not received by department has no comments.	<i>the due date, it will be assumed that your</i>
physical changes to the environment regarding the project, above and beyond your normal requirement You may review complete plans, maps and exhibits	area of authority, concerns and potentially significant adverse project. You may also identify code requirements specific to the ts. Applicant will be informed early in the development process. in our office, MSB Room 103. We appreciate your consideration <u>do not recommend APPROVAL or DENIAL.</u> For any questions, o delay the case processing.
COMMENTS:	

This office <u>HAS</u> the following comments/conditions. (See attached Dept. Master List)

Date:July 18, 2023				
Print Name:Sean Riley				
Title:Lieutenant	_Dept	_Police	_Tel.:_	_818-915-3043

a. ADDITIONAL COMMENTS:

Adolfo Valenzuela is in the process of obtaining an Administrative Use Permit to allow sales of beer and wine for on-site consumption (Type 41 ABC license) at an existing restaurant located in the Neighborhood Commercial Zone DBA Tacos Los Desvelados. The restaurant is 1,100 sf interior space and has 4 outdoor seats on the sidewalk. Current hours of operation are 11 a.m. to 10 p.m. Monday through Thursday and 11 a.m. to 11 p.m. Friday through Sunday.

Tacos Los Desvelados is located in census tract 3014.00 which allows for 4 On-Sale establishments. Tacos Los Desvelados is the only license in this tract. Based on arrests and Part 1 crime statistics for census tract 3014.00 in 2021, there were 78 crimes, 53% below the city wide average of 167.

Within the last calendar year there were no calls for police service at the location.

I ran the applicant's name in house with no results.

Per the ABC website, Tacos Los Desvelados has an "active" Type 41 liquor license (On-Sale Beer and Wine – Eating Place), license #623359.

b. CASE SPECIFIC CODE REQUIREMENTS: (these are not standard code requirements)

D 1.

c. SUGGESTED CONDITIONS: (may or may not be adopted by the Hearing Officer)

- 1. 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.
- 2. Sales, service or consumption of alcoholic beverages shall be permitted only between the hours of ______ to _____ each day of the week (*hours to be determined by the Planning / Zoning Administrator week night and weekend restrictions may be considered*).
- 3. 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.
- 4. 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.
- 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. Those premises may be utilized for banquets, private parties, or other events, provided that all events comply with the provisions of the applicant's Alcoholic Beverage Control license, and provided they have appropriate Conditional Use Permits and Use Variances if required.
- 7. There shall be no video machine maintained upon the premises.
- 8. Dancing is only allowed on the premises in designated dance floor areas, with a proper "Dance" permit.
- 9. 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.
- 10. 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.
- 11. 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. 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.

- 13. Any establishment serving alcoholic beverages which has a dance floor of greater than 200 square feet is considered a nightclub and will require a separate conditional use permit.
- 14. The sale of beer, wine, and/or distilled spirits for consumption off the premises is strictly prohibited.
- 15. The Manager and or Staff should be proactive in the enforcement of the City of Glendale Clean Air Act.