



CITY OF GLENDALE, CALIFORNIA

Community Development
Planning

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

The Director of Community Development will render a final decision on or after **November 20 2023**, for the following project:

Project proposal: Application for an Administrative Use Permit (AUP) to allow the on-site sales, service, and consumption of beer and wine (Type 41) at an existing 864 square foot full-service restaurant (Bratnbier) located in Downtown Specific Plan/Mid-Orange District (DSP/MO).

STAFF RECOMMENDATION: APPROVE WITH CONDITIONS

DRAFT CONDITIONS

1. That the development shall be in substantial accord with the plans submitted with the application except for any modifications as may be required to meet specific Code standards or other conditions stipulated herein to the satisfaction of the Director of Community Development.
2. That all necessary permits shall be obtained from the Building and Safety Division and all construction shall be in compliance with the Glendale Building Code and all other applicable regulations.
3. That all necessary licenses, approvals and permits as required from Federal, State, County or City authorities including the City Clerk shall be obtained and kept current at all times.
4. That any expansion or modification of the facility or use which intensifies the existing Administrative Use Permit shall require a new Administrative Use Permit application. Expansion shall constitute adding floor area, increased hours of operation, changes to the use or operation, or any physical change as determined by the Director of Community Development.

5. That at all times when the premises are open for business, the service of any alcoholic beverage shall be made only in the areas designated with an Alcoholic Beverage Control (ABC) license. Consumption of alcoholic beverages will only be on those same licensed areas.
6. That no patron of the restaurant shall be allowed to bring any alcoholic beverages that were purchased off-site, unless the restaurant has an established corkage policy allowing and regulating such.
7. That the restaurant shall remain open to the public during business hours. If the establishment has a private party during normal business hours, the restaurant still needs to remain open for business to regular customers.
8. That the proprietor and his/her employees shall make an active and conscientious effort to keep customers and employees from trespassing on other nearby properties or otherwise making disturbances in the area.
9. That the premises shall maintain a bona fide restaurant and shall provide a menu containing an assortment of foods normally offered in such restaurant. Food service shall be available at all times and in all areas of the premises during normal operating hours.
10. That the service of alcohol shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control.
11. That music or noise shall be contained within the edifice of the establishment. The business shall comply with the state and local laws and ordinances concerning excessive noise and disturbing the peace. No amplified sound may be produced without first obtaining an "Amplified Sound Permit."
12. That no live entertainment is permitted without a "Live Entertainment Permit."
13. The front and back doors of the establishment shall be kept closed at all times while the location is open for business, except in case of emergency.
14. That the sale of alcoholic beverages for consumption off the premises is strictly prohibited.
15. No patron to any of the business establishments will be allowed to bring into any establishment or maintain in the establishments, any alcoholic beverage unless that alcoholic beverage was purchased within that same establishment unless the facility has an established corkage policy allowing and regulating such.
16. That the establishment's manager and or staff should be proactive in the enforcement of the City of Glendale Clean Air Act.

17. That access to the premises shall be made available to all City of Glendale Planning and Neighborhood Services Division, Police Department, and Fire Department staff upon request for the purpose of verifying compliance with all laws and conditions of this approval.

PROJECT BACKGROUND

Previous Permits for the Site:

The existing commercial building was built in 1941 and had several retail and service uses throughout the years. The most recent tenant was Buzzy Bee Flowers occupying 117 W. California Avenue. Since 2014, a pharmacy has been occupying at the 119 E. California Avenue (adjacent to the subject tenant space). The site also contains a corner food stand (The Great White Hut) which has 121 W. California Avenue address.

Related Concurrent Permit Application(s): None on file.

Environmental Recommendation:

The project is exempt from CEQA review as a Class 1 “Existing Facilities” exemption, pursuant to State CEQA Guidelines Section 15301.

General Plan/Specific Plan:

Downtown Specific Plan/Mid-Orange District (DSP/MO)

Zone:

Downtown Specific Plan/ Mid-Orange District (DSP/MO)

Description of existing property and uses:

The project site is currently developed with a one-story, approximately 1,700 square foot commercial building which has two tenant spaces within the building. The existing pharmacy space is 806 square feet. The proposed full-service restaurant will occupy the second tenant space which is 864 square feet. There is also a small 120 square foot food stand (The Great White Hut) located at the front corner of the property. The site contains 15 surface parking spaces accessed from California Avenue and Orange Street. No outdoor seating is proposed at this location.

Neighboring zones and uses:

	Zoning	Existing Uses
North	DSP/MO	Commercial – City parking lot, theater, parking structure
South	DSP/MO	Commercial – Parking structure
East	DSP/AT	Commercial – Retail and service uses
West	DSP/OC	Commercial – Retail and service uses
Project Site	DSP/MO	Proposed Full-Service Restaurant

COMMENTS FROM OTHER CITY DEPARTMENTS: No major concerns were received from the various City divisions/departments for the restaurant to serve beer and wine. Conditions were received from the Police Department to ensure that any potential negative impacts will be

appropriately mitigated.

PROJECT ANALYSIS

The applicant is requesting approval of an Administrative Use Permit (AUP) to allow the on-site sales, service, and consumption of beer and wine (Type 41) at a proposed full-service restaurant (Bratnbier). The subject site is located in the Downtown Specific Plan/Mid Orange District. Goods and services offered in this zone generally attract clientele from the adjoining residential neighborhoods as well as the surrounding community. The on-site sales, service and consumption of beer and wine within a new restaurant at this location is appropriate in an area of the city zoned for various commercial uses and approval of the AUP will provide the option for the dining public to enjoy beer and wine with their meals.

The on-site sales, service and consumption of beer and wine at a new restaurant will be consistent with the objectives of the Downtown Specific Plan. This particular block is designated as Mid Orange District where retail and restaurant services, as well as, mixed uses are encouraged. The project site is already developed with a commercial building and the applicant's request is to allow the on-site sales, service and consumption of beer and wine at a new full-service restaurant. The project site is surrounded by other complementary businesses, including retail and service type uses. There are multi residential buildings to the west of the property. The Glendale Masonic Center is located at 244 N. Maryland Avenue, southeast corner of California and Maryland Avenues, is 0.6 miles away from the subject site. The American Baptist Church is located at 209 N. Louise Street and is 0.8 miles from the subject site.

The Downtown Specific Plan regulates the zoning and land uses of this site. All other elements of the General Plan, including Open Space, Recreation, Housing, Circulation and Noise Elements, will not be impacted as a result of the applicant's request. 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. The proposal to add beer and wine as an ancillary use will not impact the existing parking and landscaping conditions. The existing 15 on-site parking spaces will serve the parking demand for the uses on the property and therefore, will not result in conflicts with nearby businesses or residential development. The applicant's request to allow the on-site sales, service and consumption of beer and wine with meals is not anticipated to create any negative traffic-related impacts on California Avenue or Orange Street over and above the existing conditions.

The on-site sales, service, and consumption of beer and wine at the new full-service restaurant will not be detrimental to the safety and public welfare of the neighborhood in general. According to the Glendale Police Department, the subject property is located in Census Tract 3018.02 where the suggested limit for on-sale alcohol establishments is five. Currently, there are 30 on-sale establishments located in this tract and this restaurant will bring the total licenses to 31 in this Tract. Based on Part 1 crime statistics for this Census Tract, there were 239 crimes in 2021, 43 percent above the citywide average of 167. Currently, there is no "active" or "pending" liquor license for this location, per the ABC website as noted by the Glendale Police Department. According to the Police Department, there were no calls for Police service at this location within the last calendar year.

The on-site sales, service and consumption of beer and wine at the new full-service restaurant is not anticipated to be detrimental to the community or adversely conflict with the community's normal development. The consumption of beer and wine with food at the full-service restaurant will not conflict with the adjacent land uses and will be ancillary to the primary restaurant use. Glendale Masonic Center is located at 244 N. Maryland Avenue southeast corner of California

and Maryland Avenues is 0.6 miles away from the subject site. The American Baptist Church is located at 209 N. Louise Street is 0.8 miles from the subject site. While these facilities and uses are within close proximity, given their orientation in relation to the subject property and the nature of consumption of beer and wine with meal service, it is not anticipated that the applicant's request will impede their existing operations.

Overall, the applicant's request to allow the on-site sales, service and consumption of beer and wine at a full-service restaurant, is supportable based on the facts surrounding this application and the findings.

DRAFT FINDINGS

A. That the proposed use will be consistent with the various elements and objectives of the general plan.

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

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

The Circulation Element identifies both California Avenue and Orange Street as an Urban Collector. Both of these streets can adequately handle the existing traffic circulation around the site. The project site is surrounded by commercial and residential uses and the applicant's request to allow the on-site sale, service and consumption of beer and wine beverages is not anticipated to create any negative traffic related impacts on these streets and the surrounding uses over and above the existing conditions.

B. That the use and its associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment.

The sale of beer and wine for on-site consumption will not be detrimental to the health, safety, and public welfare of the neighborhood in general. According to the Glendale Police Department, the subject property is located in Census Tract 3018.02 where the suggested limit for on-sale alcohol establishments is five. Currently, there are 30 on-sale establishments located in this tract and this restaurant will bring the total licenses to 31 in this Tract. Based on Part 1 crime statistics for this Census Tract, there were 239 crimes in 2021, 43 percent above the citywide average of 167. Currently, there is no “active” or “pending” liquor license for this location, per the ABC website as noted by the Glendale Police Department. According to the Police Department, there were no calls for Police service at this location within the last calendar year. The Glendale Police Department did not cite any concerns with the applicant’s request to allow the existing restaurant to offer the on-site sale, service and consumption of beer and wine at this location and suggested conditions of approval have been included to mitigate any potential negative impacts.

C. That the use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property.

It is not anticipated that the applicant’s request to provide on-site sales, service and consumption of full alcoholic beverages will be detrimental to the community or adversely conflict with the community’s normal development of surrounding properties, as conditioned. The existing tenant space is surrounded by various commercial uses that features other complementary businesses, including retail and service uses. It is not anticipated that any negative impacts to the community would occur based on the applicant’s request to allow beer and wine sales for on-site consumption. The proposal and incidental sale of beer and wine is not anticipated to cause any conflicts with surrounding development in the future and will not adversely impact existing facilities, property values, or developments within the surrounding area. There were no concerns or comments submitted by the Police Department or Neighborhood Services Division that would indicate that the approval of a type 41 Alcoholic Beverage License for the new full-service restaurant would have a negative impact on the surrounding area, and the proposed conditions of approval will serve to mitigate any potential negative impacts on the surrounding properties.

D. That adequate public and private facilities such as utilities, landscaping, parking spaces and traffic circulation measures are or will be provided for the proposed use.

The applicant's Administrative Use Permit request for beer and wine sales, service and on-site consumption will not require any new city services, nor will it require any changes to the landscaping, parking or traffic circulation. The commercial building was built in 1941 and had a retail/service establishment. The prior uses and new uses at the location will be serviced with utilities for water, electricity, sewer, and trash. For the current request, the ability to sell, serve and consume beer and wine at the restaurant will remain a complementary use and is not anticipated to increase the need for public or private facilities. No changes are anticipated for the parking demand, as the request does not propose to add additional floor area to the building. The surrounding neighborhood is also developed with adequate public and private facilities and infrastructure. The Circulation Element identifies California Avenue and Orange Street as an Urban Collector. These streets are fully developed and can adequately handle the existing traffic circulation around the site.

REQUIRED ADDITIONAL FINDINGS OF FACT FOR AN AUP FOR ALCOHOL SALES, SERVICE AND CONSUMPTION

That all the criteria set forth in Section 30.49.030 (E) to be considered in making the findings in subsection a. through d. above have all been met and thoroughly considered:

1. That where an existing or proposed on-site use is located in a census tract with more than the recommended maximum concentration of on-site uses or where an existing or proposed off-site use is located in a Census Tract with more than the recommended maximum concentration of off-site uses, both as recommended by the California Department of Alcoholic Beverage Control (ABC), such use does not or will not tend to intensify or otherwise contribute to the adverse impacts on the surrounding area caused by such over concentration as described in Finding B above.
2. That where the existing or proposed use is located in a crime reporting district with a crime rate which is 43 percent above the citywide average of 167 for Part I crimes, as reported by the Glendale Police Department, such use does not or will not tend to encourage or intensify crime within the district because conditions of approval have been included in the approval of this application to ensure that any potential negative impacts will be appropriately mitigated, as described in Finding B above.
3. That the existing or proposed use does not or will not adversely impact any other

uses within the surrounding area (church, public or private schools or college, day care facility, public park, library, hospital, or residential use), as described in Finding C above.

4. That adequate parking and loading facilities are or will be provided for the existing or proposed use or other reasonable alternatives satisfy the transportation and parking needs of the existing or proposed use as described in Finding D above.
5. That notwithstanding consideration in subsections 1 through 4 above, the proposed operation of new full-service restaurant with the sale of beer and wine for on-site sale, service, and consumption does serve a public convenience for the area because it serves local residents, businesses, and the surrounding community. Conditions placed on the approval of the project will ensure that it will not adversely impact nearby businesses and residential uses.

For more information or to submit comments, please contact the case planner, Shoghig Yepremian, at 818-937-8135 or syepremian@glendaleca.gov.

ATTACHMENT:

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