



CITY OF GLENDALE, CALIFORNIA

Community Development
Planning

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April 17, 2024

Zareh Davidian
2527 Canada Boulevard
Glendale, CA 91208

**RE: 2527 CANADA BOULEVARD
ADMINISTRATIVE USE PERMIT CASE NO. PAUP-002707-2023
(Fire House Barbq, Inc.)**

Dear Mr. Davidian:

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 sales, service, and on-site consumption of beer and wine (ABC License Type 41) at an existing full-service restaurant with outdoor dining (Fire House Barbq, Inc.) located at **2527 Canada Boulevard**, in the "C-1" - (Neighborhood Commercial) Zone, described as Lot 13 and Lot 14, Tract No. 4044, (APN: 5614-008-022), in the City of Glendale, County of Los Angeles.

CODE REQUIRES

- 1) The sale of alcoholic beverages requires an Administrative Use Permit in the C-1 (Neighborhood Commercial) Zone (GMC 30.12.020, Table 30.12-A).

APPLICANT'S PROPOSAL

- 1) To allow the on-site sales, service, and consumption of beer and wine at an existing full-service restaurant with outdoor dining.

ENVIRONMENTAL DETERMINATION

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

REQUIRED/MANDATED FINDINGS

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the analysis by Community Development Department staff, this Administrative Use Permit application is **APPROVED WITH CONDITIONS** based on the following:

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 (Fire House Barbq, Inc.) is appropriate in an area of the city zoned for commercial uses and will continue to provide an option for the dining public to enjoy beer and wine with their meals. The subject site is located in the C-1 (Neighborhood Commercial) zone and the General Plan Land Use Element designation is Neighborhood Commercial. Goods and services that are 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 at an existing full-service restaurant (Fire House Barbq, Inc.) will be consistent with the various elements and objectives of the General Plan. The purpose of the C-1 (Neighborhood Commercial) zone is intended for small shopping centers, professional buildings, service centers and other commercial activities providing convenience goods and services to the surrounding residential neighborhood. The project site is already developed, and the applicant's request is to allow the on-site sales, service and consumption of beer and wine at an existing full-service restaurant that is adjacent to other complementary businesses, including retail and service uses. Directly to the north, east, and west of the subject site are multi-family residential developments. The proposed conditions of approval will serve to mitigate any potential impacts on surrounding properties, including the adjacent residential uses. The Circulation Element identifies Canada Boulevard as a Major Arterial street and Del Valle Avenue as a local street. These streets are fully developed and can adequately handle the existing traffic circulation around the site. The other elements of the General Plan, including Open Space, Recreation, Housing, 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 that will increase the required number of parking for the use.

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 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 3007.01 where the suggested limit for on-sale alcohol establishments is six. There are currently 2 on-sale licenses in this tract: Canada Liquors and Groceries located at 2523 Canada Boulevard and Wing It at 2519 Canada Boulevard. Based on Part 1 crime statistics for Census Tract 3007.01, in 2021, there were 67 crimes, 60% below the city wide average of 167. Within the last calendar year, there were no calls for service to the Glendale Police Department for this location. 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.

The on-site sales, service and consumption of beer and wine at an existing full-service restaurant will not adversely conflict with adjacent uses or impede the normal development of surrounding property, as conditioned. The applicant's request to allow the on-site sales, service and consumption of beer and wine is not anticipated to adversely conflict with surrounding properties as it will be ancillary to the primary use, a full-service restaurant. The subject property is adjacent to other complementary businesses, including retail and service uses. As aforementioned, directly to the north, east, and west of the subject site are multi-family residential developments. The proposed conditions of approval will serve to mitigate any potential negative impacts on the surrounding properties, including the adjacent residential uses. Within the half mile radius of the subject site, there are two public parks (Catalina Verdugo Adobe and Glorietta Park), a pre-school/daycare center (Learning Stars Infant Care and Pre-school) and a church (Glendale Grace Church). The application was routed to various departments and divisions within the City requesting comments regarding the project proposal. The Neighborhood Services Division reported that the subject property was under violation for unpermitted work for parking restripe and tenant improvements for interior renovation. The applicant has since submitted for permit application for the parking restripe and tenant improvement for new door and drywall ceiling in the storage room to address their violation. The permit is currently in review process with Building and Safety Division. A condition of approval for this application is included for the property owner obtain all necessary city approvals, including building permits and licenses, in order to comply with this open code compliance case. No major comments were received from the other various City Divisions/Departments regarding the proposed request. It is not anticipated that adding beer and wine as an ancillary service with meals at a full-service restaurant will adversely impact the nearby multi-family and single-family residences. The ancillary sale of beer and wine for on-site consumption in conjunction with a full-service restaurant is a common service and is not typically associated with public drunkenness or other alcohol-related crimes. Additionally, the operation will be in compliance with the Fresh Air Ordinance so as to not conflict with adjacent uses. As conditioned, the request will not adversely affect or conflict with adjacent 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 for 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 full-service restaurant, "Fire House Barbq, Inc.," has been operating at this location since 2023. This application does not include any added floor area or modifications to the existing building that will increase the number of required parking for this use. The applicant's request for on-site sales, service and consumption of beer and wine at an existing full-service restaurant with meals is not anticipated to create any negative traffic-related impacts on Canada Boulevard or Del Valle Avenue over and above the existing conditions.

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 alcoholic beverages does serve a public convenience for the area because it serves local residents, businesses, and the surrounding community. Conditions placed on the approval of the project will ensure that it will not adversely impact nearby businesses and residential uses.

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 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.
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 the restaurant shall be operated in full accord with applicable State, County, and local laws.
5. That no separate bar for the sales, service and consumption of beer and wine shall be permitted.
6. That no exterior signs advertising the sales and service of beer and wine shall be permitted.
7. That access to the premises shall be made available to all City of Glendale Planning, Neighborhood Service Divisions, Police Department, and Fire Department staff upon request for the purpose of verifying compliance with laws and conditions of this approval.

8. That a current Business Registration Certificate be maintained for the business.
9. At all times when the premises are open for business, the service of any beer and wine shall be made only in the areas designated with an ABC license. Consumption of beer and wine will only be on those same licensed areas.
10. No patron to any of the business establishments will be allowed to bring into any establishment or maintain in the establishments, any beer and wine unless that beer and wine was purchased within that same establishment unless the facility has an established corkage policy allowing and regulating such.
11. 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.
12. 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.
13. 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.
14. There shall be no video machine maintained upon the premises.
15. Dancing is only allowed on the premises in designated dance floor areas, with a proper "Dance" permit.
16. 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.
17. 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.
18. 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.

19. An establishment that primarily provides for the on-premises sale, serving and consumption of beer and wine and that derives more than fifty (50) percent of gross revenues from the sale of beer and wine 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.
20. Any establishment serving beer and wine which has a dance floor of greater than 200 square feet is considered a nightclub and will require a separate conditional use permit.
21. The sale of beer, wine, and/or distilled spirits for consumption off the premises is strictly prohibited.
22. The Manager and or Staff should be proactive in the enforcement of the City of Glendale Fresh Air Ordinance (Title 8, Chapter 8.52 of the Glendale Municipal Code).
23. That the sales, service or consumption of beer and wine with meals shall be permitted only between the hours of 11:00 a.m. to 9:00 p.m. each day of the week.
24. That all necessary city approvals, including building permits and licenses, be obtained in order to comply with the open Code Compliance Case No. NNOPMT210523.

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. Any appeal must be filed online with the prescribed fee prior to expiration of the 15-day appeal period, on or before **May 2, 2024**.

All appeals must be filed using the City's online permit portal: www.glendaleca.gov/Permits. Create an account, click "Apply," type "appeal" in the search bar, and apply for "Appeal of Planning Decision." Any appeal must be filed within fifteen (15) days following the actual date of the decision with the prescribed fee prior to the expiration of the 15-day appeal period, on or before May 2, 2024.

Information regarding appeals and appeals and fees may be obtained by calling the Community Development Department staff by contacting the case planner, ERIC JI at EJi@glendaleca.gov or 818-937-8178.

GMC CHAPTER 30.41 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.

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 (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.

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 sold, 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.

REVOCATION

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over Administrative Use Permits. To consider the revocation, the Director of Community Development 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.

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 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, Eric Ji, at 818-937-8178 or EJi@glendaleca.gov.

Sincerely,
Bradley Calvert
Director of Community Development



Dennis Joe
Planning Hearing Officer

CC: City Clerk (K. Cortes); Police Dept. (A. Krikorian/Z. Avila); City Attorney's Dept. (G. Van Muyden/Y. Neukian); Fire Prevention Engineering Section-(J. Diaz/S. Partamian/D. Stimson); Traffic & Transportation Section (P. Casanova/S. Roudsari); General Manager for Glendale Water and Power (M. Young); Glendale Water & Power--Water Section (S. Boghosian/E. Hakoupiani/ /K. Runzer); Glendale Water & Power--Electric Section (C. Babakhanlou/S. Boghosian/E. Hakoupiani); Parks, Recreation and Community Services Dept. (T. Aleksanian/A. Limayo); Neighborhood Services Division (J. Sada); Integrated Waste Management Admin. (D. Hardgrove); Maintenance Services/Street and Field/Urban Forester (L Klick/, C. Linares/ O. Urquidez); Engineering and Land Development (A. Avazian/S. Oganesyanyan/R. Villaluna); (LA/Metro / P.Halpin); and case planner– Eric Ji