**March 27, 2024**

**Applicant:**

Fire House Barbq Inc.

Attn: Zareh Davidian

2527 Canada Boulevard

Glendale, CA 91208

**RE: ADMINISTRATIVE USE PERMIT CASE NO. PAUP-002707-2023**

**2527 CANADA BOULEVARD**

(Fire House Barbq Inc.)

The Director of Community Development will render a final decision on or after April 10, 2024 for the following project:

**Project proposal:**  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 approximately 1,992 square-feet full service restaurant with an existing 727.3 square-foot outdoor dining patio (Fire House Barbq Inc.) located at 2527 Canada Boulevard, in the C-1 (Neighborhood Commercial) Zone.

**STAFF RECOMMENDATION: APPROVE WITH CONDITIONS**

# DRAFT CONDITIONS OF APPROVAL

# 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.

# 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 form the Director of Community Development.

# 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.

# That the restaurant shall be operated in full accord with applicable State, County, and local laws.

# That no separate bar for the sales, service and consumption of beer and wine shall be permitted.

# That no exterior signs advertising the sales and service of beer and wine shall be permitted.

# 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.

# That a current Business Registration Certificate be maintained for the business.

# 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.

# 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.

1. 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.

# 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.

# 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.

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# There shall be no video machine maintained upon the premises.

# Dancing is only allowed on the premises in designated dance floor areas, with a proper “Dance” permit.

# 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.

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# 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.

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# 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.

# 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.

# 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.

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# The sale of beer, wine, and/or distilled spirits for consumption off the premises is strictly prohibited.

# 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).

1. 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.

# That all necessary city approvals, including building permits and licenses, be obtained in order to comply with the open Code Compliance Case No. NNOPMT210523.

# PROJECT BACKGROUND

**Previous Permits for the Site:**

On August 01, 1972, Use & Occupancy Certificate No. UO-8507 was issued for a 500 square-foot Engraving use.

On October 25, 1978, Use & Occupancy Certificate No. UO-1895 was issued for a Service Station

On May 27, 2000, Use & Occupancy Certificate No. BUO-20000288 was issued for a 695 square-foot Delicatessen use.

On April 06, 2001, Use & Occupancy Certificate No. BUO-20000288 was issued for a 695 square-foot Delicatessen use.

On March 13, 2003, Zoning Use Certificate No. PZUC-20030089 was issued for a 690 square-foot Delicatessen use.

On October 02, 2003, Building Permit No. BB-20031689 was issued for a tenant improvement and addition to connect the 690 square-foot kitchen with the existing 1,302 square-foot storage and garage areas to create a 1,992 square-foot structure with an approximately 334 square-foot outdoor dining patio.

On January 05, 2006, Zoning Use Certificate number PZUC-20050791 was issued for a 695 square-foot Delicatessen use.

On November 21, 2014, Business Registration Certificate number BRC-1427958 was issued for a 695 square-foot Counter Service Restaurant use.

On November 21, 2020, Business Registration Certificate number BRC-3317465 was issued for a 695 square-foot Counter Service Restaurant use.

On March 09, 2023, Business Registration Certificate number BRC-000037-2022 was issued for a 2,327 square-foot Full Service Restaurant. (Fire House Barbq Inc.)

On July 18, 2023, Smoking Permitted Area License number SMPA-000875-2023 was issued for Outdoor smoking (hookah). (Fire House Barbq Inc.)

On October 31, 2023, Business Registration Certificate number BRC-001357-2023 was issued for a 2,327 square-foot Full Service Restaurant. (Fire House Barbq Inc.)

**Related Concurrent Permit Application(s):**

Neighborhood Services Case No. NNOPMT 2210523 is an ongoing code enforcement case associated with the existing restaurant related to unpermitted work on the property. Staff is recommending a condition of approval that the owner obtain all necessary city approvals, including building permits and licenses, in order to comply with this open code compliance case. At this time, there are permit applications in process to correct the violations:

* Building Permit No. BSIGN-010045-2023 was submitted on October 17, 2023 to legalize the unpermitted illuminated wall sign.
* Building Permit No. BCOMM-010405-2023 was submitted on November 1, 2023 to legalize the unpermitted parking restripe.
* Building Permit No. BCOMM-012850-2024 was submitted on February 7, 2024 to legalize the unpermitted door and drywall ceiling in the storage room.

**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, service and consumption of alcoholic beverages at an existing full-service restaurant within an existing commercial space and there is no added floor area proposed.

**General Plan:**

Commercial – Neighborhood Commercial

**Zone:**

C1 – Neighborhood Commercial Zone

**Description of Existing Property and Uses:**

The subject site is a flat, rectilinear corner lot with frontage on Canada Boulevard and De Valle Avenue. Originally developed in 1929, the approximately 3,150 square-foot site is developed with approximately 1,992 square-foot one-story building with approximately 334 square-foot outdoor dining area. It currently operates as a full-service restaurant (Fire House Barbq Inc.) with 21 indoor seats and 20 outdoor seats, totaling 41 seats. There are 6 standard parking spaces and one handicapped parking space for a total of 7 on-site parking spaces. The hours of operation of the existing restaurant are 11:00 a.m. to 900 p.m. Monday through Sunday.

**Neighboring Zones and uses**

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| --- | --- | --- |
| **Direction** | **Zone** | **Existing Land Use** |
| North | R-3050 – Multi-Family Residential | Multi-family Residential Development (separated by a public street-De Valle Avenue) |
| South | C1 – Neighborhood Commercial | Liquor Store |
| East | C1 – Neighborhood Commercial | Single-Family Residential (separated by a public street-Canada Boulevard) |
| West | C1 – Neighborhood Commercial | Multi-Family Residential |
| Project Site | C1 – Neighborhood Commercial | Full-Service Restaurant |

# COMMENTS FROM OTHER CITY DEPARTMENTS:

# Conditions have been received from the Police Department and Neighborhood Services Division to ensure that any potential negative impact will be appropriately mitigated. These conditions will be made part of the application if the AUP is approved.

# PROJECT ANALYSIS

The applicant is requesting approval of an Administrative Use Permit (AUP) to allow sales, service, and on-site consumption of beer and wine (ABC License Type 41) at an existing approximately 2,719.3 square-feet full-service restaurant (Fire House Barbq Inc.) that has been in operation since 2023. The site is located at the northwest corner of Canada Boulevard and Del Valle Avenue in the C1 (Neighborhood Commercial) zone. The General Plan Land Use Element designation for the subject property is Neighborhood Commercial. Goods and services offered in this zone generally attract clientele from the adjoining residential neighborhood and the surrounding community. The on-site sales, service and consumption of beer and wine at an existing full-service restaurant is appropriate for the subject location, as it compliments the neighboring commercial properties and provides a public convenience to the surrounding residential neighborhoods with the ancillary service and on-site consumption of beer and wine in conjunction with a meal. The existing full-service restaurant also has a Smoking Permitted Area License and currently operates with incidental tobacco/hookah use in the outdoor seating area. Appropriate conditions of approval will be placed on this Administrative Use Permit to ensure the site complies with the City’s Fresh Air Ordinance, and that any potential negative impacts will be appropriately mitigated. The on-site sales, service and consumption of beer and wine at an existing full-service restaurant will be consistent with the elements and objectives of the General Plan. The Land Use Element is most directly related to approval of the use and the other elements of the General Plan, including Open Space, Recreation, Housing, Elements, will not be impacted as a result of the applicant’s request, as the site is existing. The applicant’s request is consistent with the Noise Element and is not anticipated to increase the existing noise levels beyond the current conditions.

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 project site is adjacent to other complementary businesses, including retail and service type uses, with residential development nearby. The proposed conditions of approval will serve to mitigate any potential impacts on surrounding properties, including the adjacent residential uses. This application does not include any added floor area or modifications to the existing building that increase the required number of parking for this use.

The on-site sales, service and consumption of beer and wine at an existing full-service restaurant (Fire House Barbq Inc.) 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, and Fire House Barbq Inc. would be the third. 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. The Glendale Police Department did not cite any concerns with the applicant’s request and suggested conditions of approval have been included to mitigate any potential negative impacts.

The on-site sales, service and consumption of beer and wine at an existing full-service restaurant (Fire House Barbq Inc.) 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 existing full-service restaurant will not conflict with the adjacent land uses as it will be ancillary to the primary use. The closest public facilities are Glorietta Park (0.4 miles northwest) and Catalina Verdugo Adobe (0.5 miles southeast). While these facilities are within close proximity to the subject site, they are located outside the immediate neighborhood, and no off-site sales of beer, wine, or any alcoholic beverages will be permitted.

The Neighborhood Services Division reported that the subject property was under violation for unpermitted work for parking restripe and tenant improvements for interior renovation. 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 commercial and residential uses. 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. As conditioned, the request will not adversely affect or conflict with adjacent uses.

Overall, the applicant’s request to expand their operation to include the on-site sales, service and consumption of beer and wine at an existing full-service restaurant is supportable based on the facts surrounding this application and the findings.

**DRAFT FINDINGS**

1. **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.

1. **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.

1. **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. Staff recommends a condition of approval that the 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.

1. **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 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 noted in Finding C above.
  4. That adequate parking and loading facilities are or will be provided for the existing or proposed use or other reasonable alternatives satisfy the transportation and parking needs of the existing or proposed use as described in Finding D above.
  5. That notwithstanding consideration in subsections 1 through 4 above, the operation of a 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 would provide beer and wine in conjunction with food service at the restaurant for local residents, businesses, and the surrounding community. Conditions placed on the approval of the project will ensure that it will not adversely impact nearby businesses and residential uses.

***For more information or to submit comments, please contact the case planner, Eric Ji, at 818-937-8178 or*** [***EJi@glendaleca.gov***](mailto:EJi@glendaleca.gov)

**ATTACHMENT:**

1.Location Map

2. Reduced Plans

3. Departmental Comments