**May 24, 2024**

**Applicant:**

Fresh Grill Café

Attn: Wil Nieves

425 Cypress Avenue,

Pasadena, CA 91103

**RE: ADMINISTRATIVE USE PERMIT CASE NO. PAUP-003116-2024**

**1133 WEST GLENOAKS BOULEVARD UNIT A**

(Fresh Grill Café)

The Director of Community Development will render a final decision on or after June 05, 2024 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 (ABC License Type 41) at an existing fast-food restaurant (Fresh Grill Café) located in the C2 (Community 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 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 shall be maintained for the business.

# That 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.

# That no patron to any of the business establishments shall 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. 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.

# 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.

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

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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.

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

# That the restaurant shall adhere to the City’s 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 8:00 p.m. each day of the week.

# 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.

# PROJECT BACKGROUND

**Previous Permits for the Site:**

On July 11, 2012, Building Permit No. BR1210554 was issued for the change of use from retail service to restaurant use.

On February 21, 2018, Business Registration Certificate number BRC3314635 was issued for a 2,655 square-foot Carry-Out Restaurant (Bravo Kabob)

On January 01, 2020, Business Registration Certificate number BRC3316611 was issued for a 2,655 square-foot Retail business (Star Kitchen Supply Inc.)

On April 27, 2023, Business Registration Certificate number BRC-000671-2023 was issued for a 2,655 square-foot Counter Service Restaurant. (Fresh Grill Café)

On April 30, 2024, Business Registration Certificate number BRC-000671-2023 was renewed for a 2,655 square-foot Fast Food Restaurant. (Fresh Grill Café)

**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 beer and wine at an existing fast-food restaurant within an existing commercial space and there is no added floor area proposed.

**General Plan:**

Commercial – Community Commercial

**Zone:**

C2 – Community Commercial Zone

**Description of Existing Property and Uses:**

The subject site is a flat, rectangular corner lot with frontage on West Glenoaks Boulevard and Bruce Avenue. There is an existing ##-foot wide alley located at the rear of the lot. Originally developed in 1948, the approximately 19,850 square-foot site is developed with approximately 10,176 square-foot one-story multi-tenant commercial building with a mix of restaurant and retail uses. There are 21 standard parking spaces and one handicapped parking space for a total of 22 on-site parking spaces located in parking areas on the east and west of the building. Vehicular access to the site is taken from existing driveway aprons along West Glenoaks Boulevard and from the rear alley. The subject tenant is 2,655 square-feet and currently operates as a fast-food restaurant (Fresh Grill Café) with 40 indoor seats and no outdoor seating. The surrounding area features a mix of commercial uses, including retail, restaurant, and service uses and there is existing single-family development located to the north of the site and separated by the alley. The hours of operation of the existing restaurant are 11:00 a.m. to 8:00 p.m. Monday through Saturday, and 11:00 a.m. to 7:00 p.m. on Sundays.

**Neighboring Zones and uses**

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| --- | --- | --- |
| **Direction** | **Zone** | **Existing Land Use** |
| North | R1 – Low Density Residential | Low Density Residential Development (separated by a public alley) |
| South | C2 – Community Commercial | One-story fast-food restaurant (with drive-through) |
| East | C2 – Community Commercial | Two-story commercial building |
| West | C2 – Community Commercial | One-story counter service restaurant (with drive-through) |
| Project Site | C2 – Community Commercial | One-story multi-tenant commercial building |

# 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 2,655 square-foot fast food restaurant (Fresh Grill Café) that has been in operation since 2023. The site is located at the intersection of West Glenoaks Boulevard and Bruce Avenue in the C2 (Community Commercial) zone. The General Plan Land Use Element designation for the subject property is Community 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 fast-food 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. 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 fast-food 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, and Housing 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 West Glenoaks Boulevard as a Major Arterial street and Bruce 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 fast-food restaurant (Fresh Grill Café) 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 3012.06 which allows for 5 On-Sale establishments. There are currently 2 On-Sale licenses in this tract. Based on arrests and Part 1 crime statistics for census tract 3012.06 in 2023 there were 110 crimes, 65% below the city-wide average of 317. Within the last calendar year, there was one call for service to the Glendale Police Department for this location for assistance with fire. 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 fast-food restaurant (Fresh Grill Café) 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 fast-food restaurant will not conflict with the adjacent land uses as it will be ancillary to the primary use. The closest public facilities are Pelanconi Park (0.3 miles southwest) and Griffith Park Christian Church (0.3 miles to the north). While these facilities and uses 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.

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 fast-food 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 fast-food 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 fast-food 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 fast-food restaurant (Fresh Grill Café) 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-2 (Community Commercial) zone and the General Plan Land Use Element designation is Community Services. 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 fast-food restaurant (Fresh Grill Café) will be consistent with the various elements and objectives of the General Plan. The land use designation of the site is Community Services where retail and restaurant services along major traffic arterials are desired. 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 fast food restaurant that is adjacent to other complementary businesses, including retail and service uses. The properties to the west and south are developed with corporation and fast-food restaurant with drive-throughs. To the east is a two-story commercial building and single-family homes to the north. The proposed conditions of approval will serve to mitigate any potential impacts on surrounding properties, including the adjacent residential uses.

The Circulation Element identifies Glenoaks Boulevard as a Major Arterial street and Bruce 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 fast-food 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 3012.06 which allows for 5 On-Sale establishments. There are currently 2 On-Sale licenses in this tract. Based on arrests and Part 1 crime statistics for census tract 3012.06 in 2023 there were 110 crimes, 65% below the city-wide average of 317. Within the last calendar year there was one call for police service at the location on December 11, 2023 for assistance with fire. 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 fast food 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 fast-food restaurant. The subject property is adjacent to other complementary businesses, including retail and service uses. As aforementioned, directly to the north are single-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 is one public park: Pelanconi Park, located at 1000 Grandview Avenue (0.3 miles), and one church: Griffith Park Christian Church located at 1335 Bruce Avenue (0.3 miles to the north). While these facilities and uses 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.

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 fast-food restaurant will adversely impact the nearby single-family residences. The ancillary sale of beer and wine for on-site consumption in conjunction with a fast-food 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 fast-food restaurant will not result in inadequate public or private facilities. The project site is already developed and associated facilities are existing. The existing fast-food restaurant, “Fresh Grill Café” 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 fast-food restaurant with meals is not anticipated to create any negative traffic-related impacts on West Glenoaks Boulevard or Bruce 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 fast-food 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