glendale california

City of Glendale
Community Development
Planning & Neighborhood Services

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July 8, 2014

Shoghig Yepremian
P.O. Box 583
Sierra Madre, CA 91020

RE: 515 SOUTH GLENDALE AVENUE
ADMINISTRATIVE USE PERMIT CASE NO. PAUP 1408837
(Karina's Cake House)

Dear Ms. Yepremian:

On July 8, 2014, pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30., the Director of Community Development **APPROVED** your application for an Administrative Use Permit to allow the continued off-site sales of alcoholic beverages at an existing retail bakery in the "C3" – Commercial Service Zone, located at **515 South Glendale Avenue,** described as Lot B of Parcel Map 1287, in the City of Glendale, County of Los Angeles.

PROJECT BACKGROUND

Project proposal: An application for an administrative use permit (AUP) to allow the continued off-site sales of alcoholic beverages at an expanded retail bakery.

Previous Permits for the Site: On April 2, 2013, Karina's Cake House was granted a parking reduction permit (Case No. PPRP 1324113) to allow floor area expansion for the existing bakery without providing the required parking on-site.

On October 21, 2008, a conditional use permit was granted with conditions for the off-site sales of alcoholic beverages at the existing bakery under Conditional Use Permit Case No. PCUP 2008-027. This CUP expired on October 31, 2013.

Related Concurrent Permit Applications: There are no other related concurrent permit applications.

Environmental Recommendation: The project is exempt from CEQA review as a Class 1 exemption pursuant to State CEQA Guidelines, Section 15301.

General Plan: Community/Services

Zone: "C3" - Commercial Service Zone, Height District I

Description of Existing Property and Uses: The site is 11,370 square feet. It is developed with two separate buildings: a commercial building containing two commercial tenants (bakery and flower shop) at the front of the lot and a residential building containing three residential dwelling units with two private and enclosed parking garages at the rear of the lot and a seven-space parking lot. With the approved parking reduction permit, the bakery proposes to add 1,591 square feet of floor area. The proposal includes a 501 square-foot addition to the rear of the existing bakery, elimination and conversion of the two existing residential parking garages into floor area (655 square feet) and conversion of one dwelling unit into commercial floor area (435 square feet). The total floor area for the bakery with the proposed additions will be 3,591 square feet. As proposed, the project would result in the removal of all existing enclosed and covered parking provided for the residential units. In addition, the existing surface parking would be reconfigured. A total of nine surface parking spaces will be provided upon completion of the project.

Neighboring Zones and Uses

	Zoning	Existing Uses
North	C3 and R-1650	Commercial and multi-family residential uses
South	C3	Commercial and multi-family residential uses
East	C3	Commercial uses
West	R-1650	Multi-family residential
Project Site	C3	Commercial and residential uses with on-site parking

COMMENTS FROM OTHER CITY DEPARTMENTS: No major concerns were received from the various city divisions/departments. Standard conditions have been received from the Glendale Police Department to ensure that any potential negative impact will be appropriately mitigated.

PROJECT ANALYSIS

The subject site is located within the C3 (Commercial Service) Zone and the General Plan – Land Use Element designation of "Commercial/Services". In comparison to other commercial zones in the city, the C3 zone is a general commercial zone and is intended to draw from a larger segment of the city or region. This zone also permits a more diverse and extensive list of land uses, some of which may not be permitted in the C1, C2, or similar zones in the city.

The site is 11,370 square feet. It is developed with two commercial tenants (bakery and flower shop), three residential dwelling units, and two private and enclosed residential parking garages. In addition, there are seven uncovered parking spaces on-site to serve the commercial tenants. According to City record's, the latest Zoning Use Certificate on file for Karina's Cake House at this location was issued on January 14, 2000. Recently, the Planning Commission approved a parking reduction permit to allow a 1,591 square-foot floor area expansion to the existing bakery without providing the required on-site parking for the commercial and residential uses on the property.

With the approved parking reduction permit, the bakery proposes to add 1,591 square feet of floor area. The proposal includes a 501 square-foot addition to the rear of the existing bakery, elimination and conversion of the two existing residential parking garages into floor area (655 square feet) and conversion of one dwelling unit into commercial floor area (435 square feet). The total floor area for the bakery with the proposed additions will be 3,591 square feet. As proposed, the project would result in the removal of all existing enclosed and covered parking spaces provided for the residential units. In addition, the existing surface parking would be reconfigured. A total of nine surface parking spaces will be provided upon completion of the project.

In 2008, a conditional use permit (CUP) was granted for the bakery to allow the off-site sales of alcoholic beverages that expired on October 31, 2013. Accordingly, the applicant filed the necessary entitlement for the expansion requesting to renew their request. The CUP request was conditioned to allow the off-site sale of alcoholic beverages exclusively for basket or gift package arrangements. As conditioned, no individual sales of alcoholic beverages, i.e., cans, six-pack, etc., is allowed. The operator intends to continue offering the same type of ancillary service by providing the off-site sales of alcoholic beverages as part of a basket or gift package arrangements prepared and sold at the bakery.

The continued sale of alcoholic beverages at the existing retail bakery is consistent with the elements and objectives of the General Plan. One of the purposes of the C3 zone is to encourage a wide range of commercial activities. The existing retail bakery has and will continue to offer the sale of alcoholic beverages for off-site consumption as part of basket or gift packaged arrangements sold to customers. Similar ancillary services exist by other complementary businesses in the area, including retail and service type uses (e.g., liquor stores, retail food stores and restaurants). Residential uses exist and will remain on-site at the rear of the property and adjacent to the west. Given that the project site is already developed and the administrative use permit application only requests the sales of alcoholic beverages for off-site consumption, other elements of the General Plan, including the Open Space, Recreation, Housing and Noise Elements, will not be impacted as a result of the project.

The subject site fronts Glendale Avenue. The site is surrounded by C3-zoned properties located along Glendale Avenue to the north and south. The request is in keeping with the standard operational procedures of the existing retail bakery and existing Zoning Use Certificate. The facility is located in the C3 (Commercial Service) Zone, which is comprised of a mix of commercial establishments, including, but not limited to, retail/services, offices and restaurants.

The proposed off-site sale of alcoholic beverages at an existing retail bakery business and its associated structures and facilities would not be detrimental to the public health or safety, the general welfare, or the environment. The continued operation of the bakery and ancillary service offering off-site sales of alcoholic beverages as part of packaged gift basket arrangements will not present negative impacts. The area surrounding the bakery is home to a variety of commercial establishments including retail/services, restaurants, and offices. Further, there are similar existing uses in the vicinity that have an alcohol beverage component and have proven not to have a detrimental effect on surrounding uses. While there are existing residential uses on the property and in the neighborhood, the request to continue offering off-site sales of alcoholic beverages as part of a basket or gift packages has not and is not expected to negatively impact these residential uses. The existing use is and will continue to be a retail bakery as its primary use. With the granting of the originally Conditional Use Permit in 2008, the bakery has operated without any problems associated with the sales of off-site alcoholic beverages. The business operator requesting this AUP has complied with the conditions of the previous CUP approval. No comments were submitted from other City Departments identifying nuisance issues. The previous CUP conditions of approval have reduced or eliminated traditional nuisance concerns associated with the off-site sales of alcoholic beverages, general operation of the business and limiting the sales of alcoholic beverages exclusively for baskets or gift packages offered at the bakery.

According to the Glendale Police Department, Karina's Cake House is located in census tract 3022.02, where three off-sale establishments is the recommended limit. There are currently seven off-sale establishments in this tract. While the area contains more off-sale establishments in this area than is suggested for the census tract, Karina's Cake House is one of the existing seven. However, the sale of alcohol for off-site consumption at the existing bakery is unlikely to cause significant issues of public drunkenness or other alcohol-related crimes. Alcohol-related crimes are the principal target of the analysis of over-concentration and therefore, exceedance of the suggested limit does not raise concerns despite this project's location.

Based on Part 1 crime statistics for census tract 3022.02 in 2013, there were 53 crimes, the city wide average. Within the last calendar year, there were no calls for police service at the location. The Glendale Police Department did not cite concerns related to this administrative use permit and particularly the number of establishments serving alcohol or the amount of crime.

The request to sell alcoholic beverages for off-site consumption as part of a basket or gift package will be accessory to the primary retail bakery use. The existing use does not and will not offer alcoholic beverages for on-site consumption. The bakery currently holds and seeks to maintain the same Type 21 license from ABC, which permits the sale of beer, wine and distilled spirits for consumption off the premises.

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 continued sales of alcoholic beverages for off-site consumption will be detrimental to existing on-site and nearby residential uses. As previously stated, the sales of alcoholic beverages at the bakery will continue to be an ancillary service of the primary use. As previously stated, the area surrounding the bakery along Glendale Avenue is home to a variety of commercial establishments including retail/services, restaurants, and offices. There are similar existing uses in the vicinity that have an alcohol beverage component and have proven to not have a detrimental effect on surrounding uses. The residential uses located on-site and nearby have not and will not be impacted by the request to sell alcohol as part of basket or gift package arrangements. There are similar uses along Glendale Avenue, e.g. retail food stores, liquor stores, restaurants, etc., which have an alcoholic beverage component (on or off-site consumption) and have not proven disruptive to the residential uses on or off-site. Furthermore, the recommended conditions of approval will ensure that the sales of alcoholic beverages will not become nuisances nor be detrimental to the public.

There are churches, private schools and day care facilities near the existing bakery. Similar uses offering alcoholic beverages for on or off-site consumption (as well as other retail businesses) currently surrounds this area along Glendale Avenue. It is not anticipated that the request to continue the off-site sales of alcoholic beverages will be detrimental to the nearby church, private schools and day care in the area given the relative distance the bakery has from these amenities and that similar uses already co-exist adjacent or nearby subject site.

The applicant's request to continue selling alcoholic beverages for off-site consumption as part of basket or gift package arrangements from this site has not and will not result in inadequate public or private facilities. The project site is already developed and associated facilities are in place. Glendale Water and Power did not cite any concerns related to providing service to the project. While there are not sufficient on-site parking spaces, Karina's Cake House was recently granted a parking reduction permit to allow floor area expansion for the existing bakery without providing the required parking on-site. However, off-street parking spaces are available along Glendale Avenue even though these spaces are not considered as required on-site parking. Notwithstanding, the AUP request to allow the continued sales of alcoholic beverages for off-site consumption will not result in inadequate parking.

Overall, the applicant's desire to sell alcoholic beverages as part of basket or gift package arrangements sold at the bakery for off-site consumption is supportable based on the facts surrounding this application and the findings:

REQUIRED/MANDATED FINDINGS

After thorough consideration of the statements contained in the application, the plans submitted therewith, the above analysis by Community Development Department staff, and any comments received from the public with respect to this application, this Administrative Use Permit application is approved based on the following:

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

The subject site is zoned C3 (Commercial Service) and within the Regional Commercial designation of the Land Use Element of the General Plan. The Circulation Element designates Glendale Avenue as a Major Arterial street. South Glendale Avenue is a fully improved thoroughfare serving a multitude of businesses and residential developments. Karina's Bakery is located on a mixed use property with two commercial tenants at the front of the lot, fronting Glendale Avenue and residential units at the rear of the lot. A retail bakery is a permitted use in this zone; however, the sale of alcoholic beverages for off-site consumption requires an approved administrative use permit. The sale of alcoholic beverages as part of basket or gift package arrangement sold at the bakery is ancillary to the bakery's operation. No private or public improvements are required as a result of the AUP request.

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.

Karina's Cake House has been in operation at this location since January of 2000. Recently, in April 2014, a parking reduction permit was granted to allow the expansion of the bakery without providing the required on-site parking spaces. The bakery was permitted to sell alcoholic beverages for off-site consumption in the past with approved Conditional Use Permits (CUPs) without any detrimental impacts to the public health, safety, or the environment. Their most recent Conditional Use Permit (CUP) expired on October 31, 2013. The Glendale Police Department has reviewed the request to sell alcoholic beverages for off-site consumption and has recommended appropriate conditions to further safeguard the health, safety, and general welfare of the public. Within the last calendar year, there were no calls for service to this location. Similarly, no complaints have been filed by the public concerning this operation.

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

Karina's Cake House is located within a commercial district and surrounded by complementary uses. The bakery's request to sell alcoholic beverages for off-site consumption as part of basket or gift package arrangements will not adversely affect

or conflict with adjacent uses or impede the normal development of surrounding property, since it would not change the land use designation of the existing establishment. The focus of the operation continues to be baked goods. In this regard, the sale of alcoholic beverages for off-site consumption is an enhancement to the baked goods offered at this location. Given the nature of the business and the request to sell alcoholic beverages for off-site consumption exclusively for basket or gift package arrangements sold at the bakery has not and is not expected to be problematic in the future.

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 request to continue selling alcoholic beverages for off-site consumption as part of basket or gift package arrangements sold from this site has not and will not result in inadequate public or private facilities. The project site is already developed and associated facilities are in place. Glendale Water and Power did not cite any concerns related to providing service to the project. Karina's Cake House was recently granted a parking reduction permit to allow floor area expansion for the existing bakery without providing the required parking on-site. Off-street parking spaces, however, are available along Glendale Avenue. Notwithstanding, the AUP request to allow the continued sales of alcoholic beverages for off-site consumption will not result in inadequate parking.

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

That all the criteria set forth in Section 30 to be considered in making the findings in subsection A. through D. above have all been met and thoroughly considered:

1) That such use will not tend to intensify or otherwise contribute to the adverse impacts on the surrounding area caused by over concentration. The Glendale Police Department noted no concerns with this proposal.

2) That such use will not tend to encourage or intensify crime within the district. No evidence has been presented which would indicate that the bakery's request to continue with sales of alcoholic beverages for off-site consumption in this location has or would encourage or intensify crime within the district.

3) That such use 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). There are private schools and churches located approximately 0.2 miles northwest of the project site. In addition, there is a preschool located approximately 0.1 miles south of the project site. While these facilities and residential uses existing on-site and nearby, the sale of alcoholic beverages for off-site consumption as part of basket or gift package arrangements sold by the bakery has not proven to impact those uses. Additionally, the project is conditioned to ensure the function of this bakery and sale of alcoholic beverages in compliance with all municipal codes and state law. The continued sales of alcoholic beverages for off-site consumption as part of basket or gift package arrangements is not anticipated to adversely impact other neighboring uses in this area.

4) That the use satisfies its transportation or parking needs as described above because adequate access, parking and delivery spaces are available to serve this use.

5) That the use will serve a public necessity or public convenience purpose for the area as evidenced by the demand for retail food establishments or similar uses with an alcoholic beverages component to sell alcoholic beverages for off-site consumption in the south Glendale area.

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 <u>except</u> 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 as required from Federal, State, County or City authorities including the City Clerk shall be obtained and kept current at all times.

3. That off-site sale of alcoholic beverages shall only be part of a basket or gift package from this bakery business. No individual unit sales of alcoholic beverages shall be allowed from the site.

4. That the off-site sales of alcoholic beverages shall be ancillary to the main use as an existing bakery.

5. That the sale of alcoholic beverages shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control.

6. That the parking area shall be kept adequately illuminated for security purposes during all hours of darkness. Lighting fixtures shall be installed and maintained in the parking in those areas where street lights do not effectively illuminate the premises. No lighting shall be installed or maintained that shines or reflects onto adjacent properties.

7. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.

8. That all signs displayed shall conform to the requirements of the Glendale Municipal Code.

9. That adequate means shall be provided for the collection of solid waste generated at the site and that all recyclable items shall be collected and properly disposed of to the satisfaction of the Integrated Waste Management Administrator of the City of Glendale. No trash containers shall be stored in any parking, driveway, or landscaping area.

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

11. That access to the premises shall be made available to all City of Glendale Planning Division, 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.

12. That no exterior signs advertising the sales of alcoholic beverages shall be permitted.

13. That any expansion or modification of the facility or use which intensifies this 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 Director of Community Development.

14. That the operating hours of the bakery shall be 7:00 a.m. to 10:00 p.m. daily.

15. That the applicant shall comply with all conditions of approval of Parking Reduction Case No. PPRP 1324113 dated April 2, 2014.

16. That a Business Registration Certificate be obtained for the operation of the retail bakery.

17. That authorization granted herein shall be valid for a period of **10 YEARS UNTIL JULY 8, 2024.**

APPEAL PERIOD (effective date), TIME LIMIT, LAPSE OF PRIVILEGES, TIME EXTENSION

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. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms within fifteen (15) days following the actual date of the decision. Information regarding appeals and appeal forms will be provided by the Permit Services Center (PSC) or the Community Development Department (CDD) upon request and must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **JULY 23, 2014,** at the Permit Services Center (PSC), 633 East Broadway, Room 101, Monday thru Friday 7:00 a.m. to 12:00 p.m., or at the Community Development Department (CDD), 633 East Broadway, Room 103, Monday thru Friday 12:00 pm to 5 pm.

APPEAL FORMS available on-line:
http://glendaleca.gov/government/departments/community-development/planning-division/services/how-to-submit-a-planning-application

To save you time and a trip - please note that some of our FORMS are available on line and may be downloaded. AGENDAS and other NOTICES are also posted on our website. Visit us.

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 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, CONTINUING JURISDICTION

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over variances, administrative use permits, and conditional use permits (individual cases heard and decided upon by the Planning Hearing Officer).

To consider the revocation, the Planning Hearing Officer shall hold a public hearing after giving notice by the same procedure as for consideration of a conditional use permit at least ten (10) days notice by mail to the applicant or permittee. Continuing jurisdiction over any case is the purview of the Planning Hearing Officer, with concurrence by the Director of Community Development.

GMC CHAPTER 30.4 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.

Extension: An extension of the administrative use permit 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.

NOTICE – subsequent contacts with this office

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the case planner, (Milca Toledo), who can be reached direction at (818-937-8181) or via email (mtoledo2@ci.glendaleca.gov). This would

include clarification and 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.

Sincerely,

Hassan Haghani
Director of Community Development

Roger Kiesel
Senior Planner

MT:RK:sm

CC: City Clerk (K.Cruz); Police Dept. (S.Bickle/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(D.Nickles); City Engineer and Traffic & Transportation Section (Roubik Golanian/G.Tom); Director of Public Works and General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (R.Takidin); Glendale Water & Power--Electric Section (M.Kelley/M.Jackson); Parks, Recreation and Community Services Dept. (E.Tatevosian); Neighborhood Services Division (A.Jimenez); Integrated Waste Management Admin. (D.Hartwell); Maintenance Services Section Admin. (D.Hardgrove); Street and Field Services Admin.; Environmental Management (M.Oillataguerra); and case planner- Milca Toledo.