glendale california

City of Glendale
Community Development Department

633 E. Broadway, Room 103
Glendale, CA 91206-4386
Tel 818.548.2140 Tel 818.548.2115
Fax 818.240.0392 ci.glendale.ca.us

January 27, 2016

Apro LLC
Attn: Joseph Juliano
17311 South Main Street
Gardena, CA 90248

RE: 475 WEST COLORADO STREET
ADMINISTRATIVE USE PERMIT CASE NO. PAUP 1524142
(Automobile Service Station)

Dear Mr. Juliano:

Pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.49, the Director of Community Development **APPROVED** your application for an Administrative Use Permit to allow the sale of beer and wine (Type 20) for off-site consumption at an existing food store located in a service station located at **475 West Colorado Street**, in the "SFMU" - Commercial/Residential Mixed Use Zone, described as Portion of Lots 19, 20, and 21, Glendale Valley View Tract, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

(1) The sale of beer and wine for off-site consumption requires an Administrative Use Permit in the "SFMU" - Commercial/Residential Mixed Use Zone.

APPLICANT'S PROPOSAL

(1) To allow the sale of beer and wine (Type 20) for off-site consumption at an existing food store located in a service station.

ENVIRONMENTAL DETERMINATION

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

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 WITH CONDITIONS**, 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 located in the SFMU (Commercial/Residential Mixed Use) Zone and the General Plan Land Use Element designation is Mixed Use Development. Goods and services that are offered in this zone generally attract clientele from the adjoining residential neighborhoods as well as the surrounding community. The sale of beer and wine for off-site consumption at this location is appropriate in an area of the city zoned for both residential and commercial uses and will continue to provide an option for the community to purchase beer and wine for off-site consumption.

The sale of beer and wine for off-site consumption at the automobile service station/food market will be consistent with the elements and objectives of the General Plan. The land use designation of the site is Mixed Use Development. These areas are generally located along the city's major arterials, like West Colorado Street and Pacific Avenue, and allow for a compatible mix of commercial, industrial, and residential uses. The project site is already developed and the applicant's request is only to continue to allow off-site sales of beer and wine at the existing automobile service station/food market. The existing service station is surrounded by other complementary businesses, including retail and service uses. Residential neighborhoods are located north of the project site. 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; therefore, there will be no increase in demand for parking. Adequate utilities, landscaping, and traffic circulation measures are already provided.

The Circulation Element identifies West Colorado Street and Pacific Avenue as major arterials. It is fully developed and can adequately handle the existing traffic circulation around the site. The project site is surrounded by commercial and multi-family properties. The applicant's request to sell beer and wine for off-site consumption is not anticipated to create any negative traffic-related impacts on West Colorado Street or Pacific Avenue over and above the existing conditions.

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

The sale of beer and wine for off-site consumption at the existing automobile service station/food market will not be detrimental to the health, safety and public welfare of the neighborhood in general. According to the Glendale Police Department (GPD), the subject property is located in Census Tract 3023.01 where the suggested limit for off-sale alcohol establishments is two. Currently, there are four off-sale establishments located in this tract and "76" is one of the existing four licenses.

Retail uses similar to the existing automobile service station convenience store frequently sell beer and wine for off-site consumption as part of their service. This ancillary service is not typically associated with public drunkenness or other alcohol-related crimes. Based on Part 1 crime statistics for this Census Tract, there were 1,008 crimes, 483% above the citywide average of 173. Within the last calendar year there were several calls for police service at the location. However, according to the GPD, none of the calls seemed to be directly related to the sales of alcoholic beverages.

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

It is not anticipated that the sale of beer and wine for off-site consumption at the existing automobile service station/food market will be detrimental to the community or adversely conflict with the community's normal development. Since 1994, "76" has operated without any major incident. Their request to allow the continued sale of beer and wine for off-site consumption has not proven to adversely conflict with surrounding properties. The subject property is surrounded by other businesses, including retail and service uses with residential neighborhoods located adjacent to the northern portion of the property. There are no building openings to the rear, adjacent to the residential uses. The sales of beer and wine at the existing automobile service station/food market will not conflict with the adjacent land 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 to allow the continued sale of beer and wine for off-site consumption at an existing automobile service station/food market will not result in inadequate public or private facilities. The project site is already developed and associated facilities are existing. The existing service station, "76", has been operating with a food market at this location since 1994 with beer and wine sales. The property is legal nonconforming in terms of parking and landscaping. The existing on-site parking has proven to meet the parking demand of the automobile service station/food market and has not resulted in conflicts with nearby businesses or residential developments. West Colorado Street and Pacific Avenue, as identified in the Circulation Element, are fully developed major arterials and can adequately handle the existing traffic circulation adjacent to the site. In addition, no expansion of the existing use is proposed.

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 that 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, 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 based on the comments submitted by the City of Glendale Police Department. The sale of beer and wine for off-site consumption at the existing automobile service station/food market does not, or will not, tend to encourage or intensify crime within this reporting district as noted 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 1 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 have been included in the approval of this application to ensure that any potential negative impacts will be appropriately mitigated. As noted in Finding B above, no evidence has been presented that would indicate that the continued sale of beer and wine for off-site consumption at the subject site would encourage or intensify crime within the district. Conditions of approval have been included to help mitigate any potential impacts.

3) That the existing or proposed use does not or will not adversely impact any other uses within the surrounding area (churches, public or private schools or colleges, day care facilities, public parks, libraries, hospitals or residential uses). As noted in Finding C. above, there are no public facilities within the immediate area of the subject site.

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 noted in Findings C. and D. above the applicant's request is not anticipated to increase the need for public or private facilities. The ancillary sale of beer and wine for off-site consumption at the existing automobile service station/food market, "76", is not anticipated to intensify traffic circulation or parking demand. The site is fully developed and adequate parking facilities are currently provided.

5) That, notwithstanding consideration of the criteria in subsections 1 through 4 above, alcoholic beverage sales for off-site consumption does serve a public convenience for the area. The applicant's request for the continued

sale of beer and wine for off-site consumption at an existing automobile service station/food market does serve a public convenience 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 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.

3. That sufficient measures shall be enforced to effectively eliminate interior and exterior loitering, parking congestion, disturbing noise, disturbing light, loud conversation, and criminal activities.

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

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

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

7. That any expansion or modification of the facility or use which intensifies the existing business shall require a new Administrative Use Permit application. Expansion shall constitute adding floor area, increased hours of operation, changes to the use or operation, or any physical change as determined by the Director of Community Development.

8. That at all times when the premises are open for business, the service of alcoholic beverages shall be made only in the areas as designated with the ABC license.

9. That the sale of beer and wine shall be permitted only between the hours of 10:00 a.m. to 1:00 a.m. each day of the week.

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

11. That individual unit sales of alcoholic beverages be restricted. No individual unit sales for beer or individual unit sales for wine less than a full sized bottle shall be allowed.

12. That the store provide training for its personnel regarding prohibiting sales to minors or intoxicated persons. Alcohol Beverage Control staff is available and can provide for this training.

13. That store display racks should be positioned such that they are in a clear line of sight by management and staff with no restricting view.

14. That signs be posted clearly specifying no sales to minors or intoxicated persons.

15. That appropriate lighting for the display areas where alcoholic beverages would be sold should be required.

16. That the proprietor and his/her employees shall make an active and conscientious effort to keep customers and employees from trespassing, loitering, or consuming an alcoholic beverage on the property, adjacent properties or otherwise making disturbances in the area.

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

18. That signs indicating no loitering or trespassing should be posted.

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

20. That the use shall adhere to the City's Fresh Air (smoking) Ordinance, Title 15, Chapter 8.52 of the Glendale Municipal Code.

21. That no signs advertising the availability of alcoholic beverages shall be visible from outside the building.

22. That a Business Registration Certificate be applied for and issued for a food store located in a service station with the off-site sales of beer and wine, subject to the findings and conditions outlined in this decision letter.

23. That authorization granted herein shall be valid for a period of 10 years until ***January 27, 2026.***

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 City Council 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 **February 11, 2016,** 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 p.m. to 5 p.m.

APPEAL FORMS available on-line: http://www.glendaleca.gov/appeals

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 30.41 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.

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. 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, Danny Manasserian at (818) 937-8159 or dmanasserian@glendaleca.gov.

Sincerely,

Phil Lanzafame
Director of Community Development

Bradley Collin
Planning Hearing Officer

BC:DM:sm

Cc: City Clerk (K.Cruz); Police Dept. (Lt.S.Bickle/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(D.Nickles); Dir. Of Public Works (R.Golanian); Traffic & Transportation Section (W. Ko/S. Vartanian); General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (G. Tom/S. Boghosian); Glendale Water & Power--Electric Section (V. Avedian/B. Ortiz); Parks, Recreation and Community Services Dept. (T. Aleksanian); 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 Daniel Manasserian.