

Applicant:

Jasawant Rathaur
508 West Broadway
Glendale, CA 91204

**RE: ADMINISTRATIVE USE PERMIT
Case NO. PAUP 1611948
508 West Broadway
(Broadway Mart & Deli)**

The Director of Community Development will render a final decision on or after **August 10, 2016**, for the following project:

Project proposal: An application for an administrative use permit to allow the continued sales of alcoholic beverages for off-site consumption at an existing retail establishment (Broadway Mart & Deli).

STAFF RECOMMENDATION: APPROVE WITH CONDITIONS

DRAFT 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 permits shall be obtained from the Building and Safety Section and all construction shall be in compliance with the Glendale Building Code and all other applicable regulations.
3. That all necessary licenses, approvals and permits as required from Federal, State, County or City authorities including the City Clerk shall be obtained and kept current at all times.
4. That any expansion or modification of the facility or use which intensifies the existing Administrative Use Permit 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.
5. That no exterior signs advertising the sales of alcoholic beverages be permitted.

6. That a sign shall be posted on the interior of the establishment in a location clearly visible to customers giving notice that the consumption of alcoholic beverages on the premises is prohibited.
7. That the store should provide training for its personnel regarding sales to minors or intoxicated persons. Alcohol Beverage Control staff is available and can provide this training.
8. That signs should be posted clearly specifying no sales to minors or intoxicated persons.
9. 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.
10. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.
11. 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.
12. That the market shall maintain a variety of goods available for sale, in addition to alcoholic beverages.
13. That the premises shall be operated in full accord with applicable State, County, and local laws.
14. 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.
15. That authorization granted herein shall be valid for a period of 10 years until August 10, 2026.

PROJECT BACKGROUND

Project proposal: An application for an administrative use permit (AUP) to allow the continued sales of alcoholic beverages for off-site consumption at an existing retail establishment (Broadway Mart & Deli).

Previous Permits for the Site:

On May 10, 2011, the Planning Hearing Officer approved Conditional Use Permit No. 2011-002 to allow the sales of a full range of alcoholic beverages for off-site consumption within a 2,654 square-foot market (Broadway Mart & Deli).

On April 3, 1964, the Zoning Administrator approved Variance Case No. 2994-U to allow a retail market in the R4 zone.

Related Concurrent Permit Application(s):

None.

Environmental Recommendation: Categorically Exempt. The project is exempt from CEQA review as Class 1 “Existing Facilities” exemption pursuant to State CEQA Guidelines Section 15301.

General Plan: Mixed Use

Zone: SFMU

Description of existing property and uses: The subject retail establishment (Broadway Mart & Deli) is located in a 2,654 square-foot tenant space within a one-story 12,300 square-foot, multi-tenant commercial building that consists of four other businesses (check cashing office, barber, dry cleaners and retail). The lot is approximately 22,864 square-feet in size and located at the southwest corner of West Broadway and South Pacific Avenue. A total of 22 parking spaces are provided on the lot and will remain unchanged. Vehicular access onto the site can be accessed via existing driveways along West Broadway and South Pacific Avenue.

Neighboring zones and uses:

	Zoning	Existing Uses
North	SFMU	Commercial/Residential (under construction)
South	R3050	Residential – One-story multi-family residential
East	SFMU	Commercial – Gas station
West	SFMU	Church – Two-story building
Project Site	SFMU	Commercial – One-story multi-tenant commercial

COMMENTS FROM OTHER CITY DEPARTMENTS: No major concerns were received from the various city divisions/departments regarding the continued sales of alcoholic beverages for off-site consumption at an existing retail establishment. Conditions were received from the Police Department to ensure that any potential negative impact will be appropriately mitigated. The majority of these conditions will be made part of the record of decision if the AUP is approved.

PROJECT ANALYSIS

The sale of alcoholic beverages for off-site consumption at the existing retail establishment will be consistent with the elements and objectives of the General Plan. The zoning land use designation for the subject site is SFMU (Commercial/Residential Mixed Use), and the General Plan Land Use Element designation is Mixed Use. The purpose of the Mixed Use Development areas are to allow a compatible mix of commercial, industrial and residential land uses, or just (stand alone) commercial, industrial or residential land uses in various combinations, depending on the specific zoning districts designation. The SFMU zoning district allows for a mix of commercial and residential activities on specific lots that front Broadway. The subject site is bounded by a mixed use commercial/residential development (currently under construction) to the north, multi-family residential to the south, the First Evangelical Church to the west and general commercial to the east. The continued sales of alcoholic beverages for off-site consumption is appropriate for subject location, as it complements commercial activity along West Broadway and serves a public convenience to the multi-family residences along Pacific Avenue to purchase alcoholic beverages for off-site consumption.

The sale of alcoholic beverages for off-site consumption at an existing retail establishment will not be detrimental to the safety and public welfare of the neighborhood. Broadway Mart & Deli is located in census tract 3023.01, where two off-sale establishments are the recommended limit. There are currently four off-sale establishments in this tract, which Broadway Mart & Deli is one of the existing four off-sale establishments. Based on Part 1 crime statistics for this census tract, there were 1,124 crimes, 531 percent above the citywide average of 178. While this census tract has more crime than in many other areas of the city, it consists of a high concentration of retail, restaurants and general commercial activities within the Galleria, which may partially explain the higher crime rate, rather than lower density residential areas, which typify much of the city. Within the last calendar year, three calls for service were received by the Police Department for the subject market. None of the calls were related to alcohol beverage sales. Comments received by the Police Department indicate this proposal is not anticipated to create any major concerns for law enforcement. Furthermore, recommended conditions of approval would ensure that crime would not be intensified.

The continued sales of alcoholic beverages for off-site consumption at the subject retail establishment will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property. Adjoining to the subject property are a mixed use commercial/residential development that is currently under construction to the north across West Broadway, multi-family residential to the south, the First Evangelical Church to the west and general commercial to the east across South Pacific Avenue. Identified approximately 1,000 feet to the west along West Broadway is Royal Palms Convalescent Hospital. No public or private schools or colleges, day care facilities, public parks, or libraries have been identified within the immediate proximity of 1,000 feet. Impacts to the identified multi-family residences, convalescent hospital and church are believed to be less than significant, as a retail establishment (market) use has operated at the subject site for the past several decades without any significant incidents on record.

A retail establishment has operated at the subject tenant space for the past 52 years. Since 1994, Broadway Mart & Deli has been selling beer and wine for off-site consumption. And since 2011, the subject market has been selling alcoholic beverages (Type 21) for off-site consumption. City records do not indicate the sales of alcoholic beverages at the site had generated issues in the past. Broadway Mart & Deli does not propose to increase the floor area of the tenant space or enhance the business operation. The recommended conditions will ensure the ancillary service of alcoholic beverages for off-site consumption will not conflict with any nearby uses. Section 30.64.020 of the Glendale Municipal Code provides for continuing jurisdiction over the use so that any adverse effects will not be allowed.

Adequate public and private facilities, such as utilities, landscaping, and traffic circulation measures are provided at the subject site. The applicant proposes to continue the sale of alcoholic beverages for off-site consumption at an existing commercial building and does not include any expanded floor area or intensification to the existing operation of its alcoholic beverage sales. The project site was developed in 1964 with adequate utilities, landscaping and parking spaces. West Broadway and South Pacific Avenue are identified as minor arterial streets in the city's Circulation Element and can adequately handle the existing traffic circulation adjacent to the site.

Overall, the applicant's request to allow the continued sales of alcoholic beverages for off-site consumption at an existing retail establishment is supportable based on the facts surrounding this application and the findings:

DRAFT FINDINGS

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

The sale of alcoholic beverages for off-site consumption at the existing retail establishment will be consistent with the elements and objectives of the General Plan. The zoning land use designation for the subject site is SFMU (Commercial/Residential Mixed Use), and the General Plan Land Use Element designation is Mixed Use. The purpose of the Mixed Use Development areas are to allow a compatible mix of commercial, industrial and residential land uses, or just (stand alone) commercial, industrial or residential land uses in various combinations, depending on the specific zoning districts designation. The SFMU zoning district allows for a mix of commercial and residential activities on specific lots that front Broadway. The subject site is bounded by a mixed use commercial/residential development (currently under construction) to the north, multi-family residential to the south, the First Evangelical Church to the west and general commercial to the east. The continued sales of alcoholic beverages for off-site consumption is appropriate for subject location, as it complements commercial activity along West Broadway and serves a public convenience to the multi-family residences along Pacific Avenue to purchase alcoholic beverages for off-site consumption.

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 alcoholic beverages for off-site consumption at an existing retail establishment will not be detrimental to the safety and public welfare of the neighborhood. Broadway Mart & Deli is located in census tract 3023.01, where two off-sale establishments are the recommended limit. There are currently four off-sale establishments in this tract, which Broadway Mart & Deli is one of the existing four off-sale establishments. Based on Part 1 crime statistics for this census tract, there were 1,124 crimes, 531 percent above the citywide average of 178. While this census tract has more crime than in many other areas of the city, it consists of a high concentration of retail, restaurants and general commercial activities within the Galleria, which may partially explain the higher crime rate, rather than lower density residential areas, which typify much of the city. Within the last calendar year, three calls for service were received by the Police Department for the subject market. None of the calls were related to alcohol beverage sales. Comments received by the Police Department indicate this proposal is not anticipated to create any major concerns for law enforcement. Furthermore, recommended conditions of approval would ensure that crime would not be intensified.

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

The continued sales of alcoholic beverages for off-site consumption at the subject retail establishment will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property. Adjoining to the subject property are a mixed use commercial/residential development that is currently under construction to the north across West Broadway, multi-family residential to the south, the First Evangelical Church to the west and general commercial to the east across South Pacific Avenue. Identified approximately 1,000 feet to the west along West Broadway is Royal Palms Convalescent Hospital. No public or private schools or colleges, day care facilities, public parks, or libraries have been identified within the immediate proximity of 1,000 feet. Impacts to the

identified multi-family residences, convalescent hospital and church are believed to be less than significant, as a retail establishment (market) use has operated at the subject site for the past several decades without any significant incidents on record.

A retail establishment has operated at the subject tenant space for the past 52 years. Since 1994, Broadway Mart & Deli has been selling beer and wine for off-site consumption. And since 2011, the subject market has been selling alcoholic beverages (Type 21) for off-site consumption. City records do not indicate the sales of alcoholic beverages at the site had generated issues in the past. Broadway Mart & Deli does not propose to increase the floor area of the tenant space or enhance the business operation. The recommended conditions will ensure the ancillary service of alcoholic beverages for off-site consumption will not conflict with any nearby uses. Section 30.64.020 of the Glendale Municipal Code provides for continuing jurisdiction over the use so that any adverse effects will not be allowed.

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.

Adequate public and private facilities, such as utilities, landscaping, and traffic circulation measures are provided at the subject site. The applicant proposes to continue the sale of alcoholic beverages for off-site consumption at an existing commercial building and does not include any expanded floor area or intensification to the existing operation of its alcoholic beverage sales. The project site was developed in 1964 with adequate utilities, landscaping and parking spaces. West Broadway and South Pacific Avenue are identified as minor arterial streets in the city's Circulation Element and can adequately handle the existing traffic circulation adjacent to the site.

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

E. 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 such use does not or will not tend to intensify or otherwise contribute to the adverse impacts on the surrounding area caused by over concentration as described above in finding B.
- 2) That such use does not or will not tend to encourage or intensify crime within the district as described above in finding B.
- 3) That such use does not or will not adversely impact any other uses within the surrounding area (church, public or private schools or college, day care facility, public park, library, hospital or residential use) as described above in findings B and C.
- 4) That the proposed use satisfies its transportation or parking needs as described above in finding D.
- 5) That, notwithstanding consideration of the criteria in subsections 1 through 4 above, alcoholic beverage sales, service and on-site consumption serves a public convenience for the area. The applicant's request for the on-site sales, service and consumption of beer and wine at a new fast food restaurant serves 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 business and residential uses.

For more information or to submit comments, please contact Dennis Joe, at (818) 937-8157 or djoe@glendaleca.gov.

ATTACHMENT:

1. Location Map
2. Reduced Plans
3. Departmental Comments

LOCATION MAP



Scale: 1" = 200'



SITE ADDRESS:
500 W BROADWAY
GLENDALE CA 91204

LEGAL DESCRIPTION:
GLENDALE VALLEY VIEW TRACT EX OF STS
LOT 1 AND EX OF ST LOTS 2 AND
LOT 3 BLK V

APN: 5695-003-033

PROPERTY OWNER(S):
ARMEN & AIDA G NORHADIAN
100 W BROADWAY #950
GLENDALE CA 91210

RADIUS: 500 FT RADIUS

N.P.S. + ASSOCIATES

Address: 396 W. Avenue 44
Los Angeles, CA 90065

Telephone: (323) 801-6393
Email: contact.npsassociates@gmail.com
Website: npsassociates.com

CITY OF GLENDALE
INTERDEPARTMENTAL COMMUNICATION
Community Development Department
Request for Comments Form (RFC)

DATE: July 5 **DUE DATE:** July 19, 2016
(PLEASE submit your response by above DATE)
TO: _____

FROM: Dennis Joe, Planner **Tel. #** 7/5/2016

PROJECT ADDRESS: 508 West Broadway
 Applicant: Jasawant Rathaur
 Property Owner: Brand LLC

PROJECT DESCRIPTION: Renewal of AUP (Previously PCUP2011-002) to allow the sale of off-site consumption of alcoholic beverages at an existing market (Broadway Mart & Deli).

PLEASE CHECK:

- | | |
|--|--|
| <p>_____ A. CITY ATTORNEY</p> <p>_____ B. COMMUNITY DEVELOPMENT:</p> <ul style="list-style-type: none"> • (1) Building & Safety _____ • (2) Economic Development _____ • (3) Housing <u>X</u> _____ • (4) Neighborhood Services _____ • (5) Planning & Urban Design
EIF/Historic District <p>_____ D. COMMUNITY SERVICES/PARKS:</p> <p>_____ E. FIRE ENGINEERING (PSC)</p> <p>_____ F. GLENDALE WATER & POWER:</p> <ul style="list-style-type: none"> _____ • (1) Water _____ • (2) Electric | <p>_____ G. INFORMATION SERVICES
(Wireless Telecom)</p> <p>_____ H. PUBLIC WORKS (ADMINISTRATION):</p> <ul style="list-style-type: none"> _____ • (1) Engineering & Environmental Management _____ • (2) Traffic & Transportation _____ • (3) Facilities (city projects only) _____ • (4) Integrated Waste _____ • (5) Maintenance Services/Urban Forester <p style="text-align: center;">X</p> <p>_____ J. GLENDALE POLICE</p> <p>_____ K. OTHER:</p> <ul style="list-style-type: none"> _____ • (1) STATE-Alcohol Beverage Control (ABC) _____ • (2) CO Health dept. _____ • (3) City Clerk's Office |
|--|--|

ENTITLEMENT(S) REQUESTED

Variance Case No.: _____	Tentative Tract/Parcel Map No.: _____
CUP Case No.: _____	Zone Change/GPA: _____
DRB Case No.: _____	Other: _____ PAUP 1611948

**INTER-DEPARTMENTAL COMMUNICATION
PROJECT CONDITIONS AND COMMENTS**

Project

Address: 508 West Broadway

Project

Case No.: PAUP 1611948

***NOTE:** Your comments should address, within your area of authority, concerns and potentially significant adverse physical changes to the environment regarding the project. You may also identify code requirements specific to the project, above and beyond your normal requirements. Applicant will be informed early in the development process. You may review complete plans, maps and exhibits in our office, MSB Room 103. We appreciate your consideration and look forward to your timely comments. Please do not recommend APPROVAL or DENIAL. For any questions, please contact the Case Planner ASAP, so as not to delay the case processing.*

COMMENTS:

- This office **DOES NOT** have any comment.
- This office **HAS** the following comments/conditions. (See attached Dept. Master List)

Date: 7-12-16

Print Name: Scott Bickle

Title: Lieutenant

Dept. Police

Tel.: 818-548-3120

a. ADDITIONAL COMMENTS:

- 1. Applicant Jasawant Rathaur is in the process of obtaining an Administrative Use Permit renewal to allow the sale of off-site consumption of alcoholic beverages at an existing market located at 508 W. Broadway DBA Broadway Market & Deli.

Broadway Market & Deli is located in census tract 3023.01 which allows for 2 Off-Sale establishments. There are currently 4 Off-Sale licenses in this tract. The location for Broadway Market & Deli currently is one of the Off-Sale licenses but their ABC license shows the location as DBA "Circle J. Liquor", license #557160. Based on arrests and Part 1 crime statistics for census tract 3023.01 in 2015, there were 1,124 crimes-above the city wide average if 178.

Within the last calendar year, there were 3 calls for police service. There was a 647F male at the location on 09/08/15 but no report was taken. On 11/01/15, there was a call of a suspicious male at the location but male was UTL when officers arrived. The last call was on 04/19/16 of a man down but a transient was resting at the location, no report taken.

b. CASE SPECIFIC CODE REQUIREMENTS: (these are not standard code requirements)

- 1.

c. SUGGESTED CONDITIONS: (may or may not be adopted by the Hearing Officer)

2. Sales of alcoholic beverages shall be permitted only between the hours of _____ to _____ each day of the week (hours to be determined by the Planning / Zoning Administrator – week night and weekend restrictions may be considered).
3. Individual unit sales of alcoholic beverages should be restricted. No individual unit sales for beer should be allowed. No individual unit sales for wine less than a full sized bottle should be allowed. This can reduce the potential for individuals to buy one or two units and walk outside to consume them on or near the premise.
4. The store should provide training for its personnel regarding sales to minors or intoxicated persons. Alcohol Beverage Control staff is available and can provide this training.
5. Store display racks should be positioned such that they are in a clear line of sight by management and staff with no restricting view.
6. Signs should be posted clearly specifying no sales to minors or intoxicated persons.
7. Appropriately lighting for the display areas where alcoholic beverages would be sold should be required.
8. 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.
9. The sale of beer, wine, and/or distilled spirits for consumption on the premises is strictly prohibited.
10. Signs indicating no loitering or trespassing should be posted.
11. The Manager and or Staff should be proactive in the enforcement of the City of Glendale Clean Air Act.

**INTERDEPARTMENTAL COMMUNICATION
ENVIRONMENTAL IMPACT COMMENTS**

(PLEASE SEND OUT THIS FORM ONLY WHEN ENVIRONMENTAL IMPACT COMMENTS ARE NEEDED.)

Location: _____

_____ The project **would not** have adverse environmental effects on areas regulated by this Division/Section.

_____ The project **would** have potential environmental impacts on areas regulated by this Division/Section identified below.

POTENTIAL ENVIRONMENTAL IMPACT(S):

PROPOSED MITIGATION MEASURE(S):

The following mitigation measures are required to reduce adverse environmental effects to less than significant. (Please do not include code requirements listed in comment below):

ADDITIONAL COMMENTS:

CASE No.: _____ Property Address: _____

Name/Signature _____ Date: _____

Title: _____ Dept. _____ Tel. (Ext.): _____

POINT PERSON – DEPARTMENTS/DIVISION

CITY ATTORNEY – GILLIAN VAN MUYDEN (Miah Yun and Yvette Neukian, Alternates)

CITY CLERK – KAREN CORTES

COMMUNITY DEVELOPMENT:

Building and Safety - SARKIS HAIRAPETIAN

Neighborhood Services –SEDA SARDARIAN and JACKIE JOUHARIAN

Design Review & Historic (Glendale Register & Historic Districts) –
JAY PLATT

Economic Development – DARLENE SANCHEZ

Housing – PETER ZOVAK

COMMUNITY SERVICES AND PARKS – TERESA ALEKSANIAN

INFORMATION SERVICES DEPT.

Wireless Communications – GORDON ARNOLD

FIRE ENGINEERING – JEFF HALPERT

GLENDALE WATER AND POWER:

Water – GERALD TOM and SEDA BOGHOSIAN (Raja Takidin, Alternate)

Electric – BURHAN ALSHANTI and BELINDA ORTIZ (Erik Olsen, Alternate)

POLICE - LT. SCOTT BICKLE (Zazil Avila, CSO, Alternate)

PUBLIC WORKS:

Engineering & Environmental Mgmt – CHRIS CHEW and RUEL VILLALUNA

Traffic & Transportation– WAYNE KO and SEVAK VARTANIAN

Integrated Waste – MIKE WIEDERKEHR

Maintenance Services/Street & Field/Urban Forester – DAN HARDGROVE
and JEREMY CAWN

Facilities (City projects) – KEVIN TODD

OTHERS:

STATE ABC – BRADLEY BEACH or CONNIE DE VANEY

LA Co. Health Dept. -