



CITY OF GLENDALE, CALIFORNIA
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division

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March 7, 2013

Feiruz P. Ennabe-Ayoub
2514 Reata Place
Diamond Bar, CA 91765

**RE: 825 NORTH CENTRAL AVENUE
CONDITIONAL USE PERMIT NO. PCUP 1236349
(Chevron Gas Station)**

Dear Mr. Feiruz P. Ennabe-Ayoub:

On February 13, 2013, the Planning Hearing Officer conducted and closed a public hearing, pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.42, on your application for a conditional use permit to allow the continued sales of beer and wine at an existing gas station mini-market (Chevron Gas Station) for off-site use, located at **825 North Central Avenue**, in the "C2" - Community Commercial Zone, described as Portions of Lots 131, 132, and 133, Pioneer Investment and Trust Company's Glendale Place Tract, in the City of Glendale, County of Los Angeles.

APPLICANT'S PROPOSAL

- (1) Application for a Conditional Use Permit to allow the continued sale of beer and wine at an existing gas station mini-market for off-site use.

CODE REQUIRES

- (1) Approval of a conditional use permit for the sale of alcoholic beverages on the same lot with a gas station.

ENVIRONMENTAL RECOMMENDATION: Exempt.

REQUIRED/MANDATED FINDINGS

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report by the Community Development Department staff thereon, and the statements made at the public hearing with respect to this application, the Planning Hearing Officer has **GRANTED WITH CONDITIONS** your application based on the following:

A. The proposed use of off-site sale of alcoholic beverages will be consistent with the various elements and objectives of the General Plan.

The subject site is located in the Commercial/Service land use designation, which is designed to serve community shopping functions. Gas stations, retail stores, and liquor stores are permitted or conditionally permitted uses within the "C2" zone, and therefore, consistent with the land use designations. The sale of alcoholic beverages is in keeping with the standard operating procedures of the existing gas station use and previously granted conditional use permits. The gas station is a successful business that has served the surrounding area for 45 years, with the sale of alcoholic beverages for over 16 years. No changes are requested as a result of the current application. The Circulation Element identifies Arden Avenue as an urban collector and Central Avenue as a major arterial. Both streets are fully developed and provide adequate service to the property. 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 as there is no new construction proposed at this time.

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

It is not anticipated that the continued sale of alcoholic beverages at the Chevron Station mini-market will have a detrimental effect on the community. The existing service station has operated since 1968 and the sale of alcoholic beverages has been conditionally permitted since 1996. Other gas stations exist in the nearby area and are a permitted use in the "C2" Zone. The gas station, mini-market, and car wash have proven to be compatible with the surrounding neighborhood, and the use of the building, parking, and customer service hours will continue in the same manner. The ancillary sale of alcoholic beverages among a wide range of convenience store products available for sale at the mini-market will provide a convenience for the community. Although the Glendale Police Department (GPD) noted that there have been two alcohol related calls for service from this location, this establishment is in an area that has a lower than average crime rate and the police did not state any opposition to this application and indicated that the request should not cause additional incidents. A review of the prior Conditional Use Permit showed no recorded incidents related to alcohol for the site.

C. The use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property provided that the conditions of approval are followed.

The gas station, mini-market, and car wash are permitted uses in the "C2" Community Commercial Zone and it provides a service to the neighboring commercial and residential uses. Sales of beer and wine in a gas station mini-market are not unusual. As previously mentioned, the existing Chevron Station has been in operation since 1968 with the sale of alcoholic beverages allowed since 1996. The applicant is not proposing any changes to the existing floor plan or operation; therefore no impact to adjacent uses is anticipated. The subject site is surrounded by existing commercial development and the service station, mini-market, and car wash will continue to provide them services. In addition, the Planning Division has not received any formal complaints from the nearby commercial and residential properties.

D. Adequate public and private facilities, such as utilities, parking spaces and traffic circulation measures are provided for the gas station use.

This project is to allow the continuation of off-site sale of beer and wine within an existing mini-market and an existing Chevron gas station, which has been conditionally permitted since 1996. No new square-footage is proposed nor will the use intensify. The applicant is proposing to operate the gas station, mini-market, and car wash in the existing manner; therefore, it is not anticipated to increase the need for public or private facilities. Adequate utilities are located adjacent to the site and no increase in utility use is anticipated as a result of the approval of the conditional use permit. The on-site landscaping and driveway layout is legal, non-conforming with the approval of Variance Case No. 10429-U&S as it allows an existing planter less than 5-feet wide and an existing driveway less than 5 feet from the corner curve radius. The continuation of off-site sale of alcoholic beverages at the Chevron station is not anticipated to intensify traffic circulation or parking demand. Arden Avenue is an urban collector and Central Avenue is a major arterial, which adequately handle the existing traffic circulation around the site. The Traffic Engineer's Section did not submit concerns related to traffic circulation and parking.

E. That all the criteria set forth in Section 30.42.030 (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 finding C.
- 4) That the proposed use satisfies its transportation or parking needs as described above in findings A and D.
- 5) That the existing use does or will serve a public necessity or public convenience purpose for the area as evidenced by the continued operation of this mini-market within a gas station with alcoholic beverage sales as described above in finding B .

SUMMARY OF PLANNING HEARING OFFICER'S DECISION

The Planning Hearing Officer was able to make the four required findings for approval of the Conditional Use Permit and was able to justify approval of the case on the five required criteria required for alcohol-related cases in sub-section 30.42.030(F), Glendale Municipal Code. The applicant substantiated the findings for to allow the continued sale of beer and wine for off-site consumption at an existing gas station mini-market. The conditions attached to the approval will control the use in a manner necessary to allow the use to properly fit into the specific location.

CONDITIONS OF APPROVAL

APPROVAL of this Conditional Use Permit shall be subject to the following conditions:

1. The development shall be in substantial accord with the plans submitted with the application and presented at the hearing except for any modifications as may be required to meet specific Code standards or other conditions stipulated herein to the satisfaction of the Planning Hearing Officer.
2. 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. Access to the premises shall be made available upon request to all City of Glendale authorized staff (i.e. Community Development Department, Fire Department, Police Department, etc.) for the purpose of verifying compliance with all laws and the conditions of this approval.
4. The parking lot shall be restriped according to the submitted plans (which comply with the existing Variance Case No. 10429-U&S) within one month of this approval.
5. The hours of off-site alcohol sales shall be limited to 6:00 a.m. to 12:00 a.m. each day of the week.
6. The existing Zoning Use Certificate shall be modified to reference this conditional use permit.
7. No exterior signs advertising the sales/service of alcoholic beverages shall be permitted, banners shall be prohibited, and all signs displayed shall conform to the requirements of the Glendale Municipal Code.
8. Graffiti shall be removed in a timely manner.
9. All delivery operations shall not disturb occupants of adjacent properties.
10. The facilities shall not be rented, leased or otherwise occupied for purposes not specified.
11. Any expansion or modification of the facility or use which intensifies the existing Conditional Use Permit shall require a new Conditional 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.
12. The gas station, mini-market, and self-service car wash shall adhere to the City's Fresh Air (smoking) Ordinance.

13. The sale of alcoholic beverages shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control.
14. Signs shall be posted specifying that there are no alcoholic beverage sales to minors or intoxicated persons.
15. The authorization granted herein shall be valid for a period of **10 years, until March 23, 2023**, at which time, a reapplication must be made.

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 Building and Safety Division upon request and must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **March 22, 2013**, in the Building and Safety Division, 633 East Broadway, Room 101.

APPEAL FORMS available on-line:
<http://www.ci.glendale.ca.us/planning/SubmittingAProject.asp>

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.

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.

Section 30.16.610 of the Glendale Municipal Code, 1995, provides for the Community Development Director to have continuing jurisdiction over any Conditional Use Permit which is or has been granted and may revoke any Conditional Use Permit in whole or in part at any time for failure to comply with any condition or requirement imposed at the time of approval.

GMC CHAPTER 30.41 PROVIDES FOR


TERMINATION: Every right or privilege authorized by a conditional 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 conditional 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 conditional 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 (Kathy Duarte at 818.937.8163) who acted on this case. 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,



Kristen Asp
Planning Hearing Officer

KA:sm

CC: City Clerk (K.Cruz); Police Dept. (Tim Feeley/Z.Avila); City Attorney's Dept. (G. van Muyden/M.Yun); 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 (Stephen Zurn); Glendale Water & Power--Water Section (R.Takidin); Glendale Water & Power--Electric Section (M.Kelley/M.Jackson); Parks, Recreation and Community Services Dept. (Emil 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 – Kathy Duarte.