



CITY OF GLENDALE, CALIFORNIA
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division

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July 16, 2013

Karsta Desra Inc.
c/o Bill Roche
6406 San Fernando Road
Glendale, CA 91201

**RE: 6406 SAN FERNANDO ROAD
CONDITIONAL USE PERMIT NO. PCUP 1309113
(Continental Gourmet Sausage)**

Dear Sirs:

On July 10, 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 an application for a Conditional Use Permit to allow the off-site sale of alcoholic beverages at an existing food market/processing business (Continental Gourmet Sausage), located at **6406 San Fernando Road**, in the "C3" - Height District I - Commercial Retail Zone, described as Portion of Lot 5, Block 108, Sub of Rancho Providencia and Scott Tract, in the City of Glendale, County of Los Angeles.

APPLICANT'S PROPOSAL

- (1) To permit the off-site sale of alcoholic beverages at an existing food market/processing business.

CODE REQUIRES

- (1) A Conditional Use Permit is required for the sale of alcoholic beverages in the "C3" - Commercial Retail Zone.

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

The sale of alcoholic beverages at the existing retail portion of a long-time meat processing establishment (Continental Gourmet Sausage) is consistent with the General Plan. Retail uses are permitted in the "C3" - Commercial Service zone and consistent with the Community Services land use designation. The off-site sale of alcoholic beverages is a conditionally permitted use in the "C3" zone. The sale of alcoholic beverages will be an accessory use to existing retail sales of meats processed on-site and imported dry goods. Alcohol sales at "Continental Gourmet Sausage" will serve a public necessity or convenience for the area, given that the selection of imported and specialized alcohol will augment the variety of imported dry goods and on-site processed meats. The proposal will not result in a liquor store or a mini-market with alcohol sales, but rather, a small-scale retail operation that features high-quality meats prepared on-site and a selection of imported goods that would include specialized beers and liquors. The proposal is consistent with the Noise Element, given that the use will be fully conducted within the existing building and is not anticipated to result in any noise impacts. The project site is not identified as parkland by the Recreation Element. The development features no housing component that would be addressed by the Housing Element, and the existing commercial/manufacturing building has been constructed to comply with all applicable Building & Fire Code standards (at the time of construction) that address any seismic, geological, and fire hazards identified in the Safety Element. Therefore, the proposal is consistent with the elements and objectives of the City's General Plan.

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 at the existing retail market is not expected to be detrimental to the public health, safety, general welfare, or to the environment. The on-site retail sale of meats is required by the 1975 Zone Variance that allowed the continued processing of meats in the "C3" zone. The retail

component of the meat processing business will continue to operate in the same manner, with the sale of alcoholic beverages for off-site consumption as a complimentary addition to their retail inventory. "Continental Gourmet Sausage" is located in census tract 3016.01, which has a recommended maximum of four off-sale Alcoholic Beverage Control (ABC) liquor licenses. There are currently eight off-sale licenses in this tract. Based on Part 1 crime statistics for census tract 3016.01 in 2012, there were 119 crimes - 98% above the city wide average of 60. According to Glendale Police Department (GPD), however, there were no calls for police service at the location within the last calendar year. Comments from the Police Department indicate this proposal is not anticipated to create concerns for law enforcement.

No public facilities are located in the immediate area. The closest public facilities are: Griffith Manor Park at 1551 Flower Street (0.4 miles away), Fire Station 27 at 1127 Western Avenue (0.6 miles away), Grandview Library at 1535 Fifth Avenue (0.4 miles), and Thomas Jefferson Elementary School at 1540 Fifth Avenue (0.4 miles away). In addition, there is a church (Grandview Presbyterian Church) across from the Grandview Library and Thomas Jefferson Elementary School. The meat processing operation with incidental retail sales has been in existence at the subject location since 1962, and the addition of alcoholic beverages for off-site consumption is not anticipated to be detrimental to the public health or safety, the general welfare, or the environment, as conditioned.

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

The sale of alcoholic beverages will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property. The properties on all four corners of the San Fernando Road and Sonora Avenue intersection are zoned "C3" and feature low-scale, commercial uses; properties to the north are zoned "R-2250" - Medium Density Residential and the properties to the south are zoned "IND" - Industrial. The proposed sale of alcoholic beverages as part of this business operation will not conflict with or negatively impact adjacent residential, commercial or industrial uses. Alcoholic beverages will be sold supplementary to the primary sale of sausages, meats and imported dry goods; the alcoholic beverages will be imported, specialized beers and liquors that compliment the existing variety of imported goods sold on-site within the small retail component of the business. Meanwhile, the primary operation of the use will remain meat processing. Meat processing and sales have been in operation at this location since the building's construction in 1962. The establishment has

had two previous Conditional Use Permit (CUP) approvals for the on-site sale and consumption of beer (Conditional Use Permit Case No. 4554-CU approved on April 15, 1968, and Case No. 3870-CU approved on March 28, 1966), which have now lapsed. Continental Gourmet Sausage currently has a "Pending" ABC Type 21 liquor license (Off-Sale General), and the applicant will not sell alcohol for on-site consumption. The introduction of alcoholic beverages for sale for off-site consumption would supplement the existing sale of meats and imported dry goods and as such, is not anticipated to cause any conflicts with surrounding development.

D. That adequate public and private facilities, such as utilities, landscaping, parking spaces and traffic circulation measures are provided for the proposed use.

Adequate public and private facilities such as utilities, landscaping, parking spaces and traffic circulation measures are provided for the use and are existing. Associated utilities exist within the public rights-of-way and are adequate to continue service to the building. No changes are proposed to the parking for the use; a limited number of parking spaces are available behind the building and there is street parking along San Fernando Road and Sonora Avenue. The parking demand is not anticipated to intensify with the sale of alcoholic beverages. The applicant's CUP request to sell alcoholic beverages within the retail portion of the establishment will not require any new city services, nor will it require any changes to landscaping, parking or traffic circulation.

That all the criteria set forth in Section 30.32.030 (F) to be considered in making the findings in subsection A. through D. above have 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 car facility, public park, library, hospital or residential use), as described above in findings B and C.
4. That the proposed use does satisfy its transportation or parking needs, as described above in finding D.

5. That the proposed use does or will serve a public necessity or public convenience purpose for the area as evidenced by the sale of alcoholic beverages at an existing retail market/meat processing establishment, as described above in finding A.

SUMMARY OF PLANNING HEARING OFFICER'S DECISION

The Planning Hearing Officer was able to make the four findings in the affirmative to grant approval of the requested conditional use permit. The sales of alcoholic beverages for off-site consumption at the retail portion of "Continental Gourmet Sausage" will be consistent with the General Plan, as it will be accessory to the existing retail sales of meats and imported dry goods. The proposed use will not be detrimental to the public health or safety in that retail sales have been required at this site since the granting of a 1975 variance and the business will continue to operate in the same manner. The request will not adversely affect or conflict with adjacent uses because the surrounding area contains commercial retail uses and no operational changes to the business are proposed. Adequate facilities are provided in that no expansion of the business is proposed and the business is located in an already-developed area fully serviced by public and private facilities.

CONDITIONS OF APPROVAL

APPROVAL of this Conditional 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 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. 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 the premises shall be maintained in a clean and orderly condition, free of weeds, trash and graffiti.
4. That 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 retail floor area, increased hours of operation, changes to the use or operation, or any physical change as determined by the Planning Hearing Officer, with concurrence by the Director of Community Development.
5. That no exterior signs advertising the sales of alcoholic beverages be permitted.

6. That the off-site sale of alcoholic beverages shall be incidental to the main use as a meat processing and small-scale retail market establishment.
7. That sale of alcoholic beverages be restricted to no later than **10:00 pm**.
8. That the applicant shall provide training for its personnel regarding sales to minors or intoxicated persons. Alcohol Beverage Control staff is available and can provide this training.
9. That signs be posted clearly specifying no sales to minors or intoxicated persons.
10. That store display racks be positioned such that they are in a clear line of sight by management and staff with no restricting view and that they be appropriately lit.
11. 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.
12. That the authorization granted herein shall be valid for a period of five years, **July 10, 2018**, at which time, 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 **July 31, 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.

REVOCAION, CONTINUING JURISDICTION

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over variances 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 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.

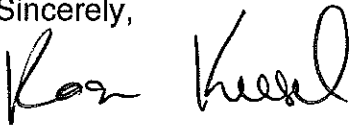
EXTENSION

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 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,



Roger Kiesel
Planning Hearing Officer

RK:sm

CC: City Clerk (K.Cortes); Police Dept. (Tim Feeley/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 (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); Eugen Goetz-owner; and case planner – Vilia Zemaitaitis.