CITY OF GLENDALE, CALIFORNIA
Community Development
Planning

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glendaleca.gov

March 31, 2020

Susie Fung
1425 E. Colorado St.
Glendale, CA 91205

RE: 1425 EAST COLORADO STREET
ADMINISTRATIVE USE PERMIT NO. PAUP 2000334
("ARKO FOODS INTERNATIONAL")

Dear Ms. Fung:

Pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.49, the Community Development Department has processed your application to allow the continued sale of beer and wine for off-site consumption (ABC Type 20 license) at an existing retail store (food market) in the Neighborhood Commercial (C1) Zone, located at **1425 East Colorado Street,** City of Glendale, County of Los Angeles.

CODE REQUIRES
(1) Alcoholic beverage sales require an Administrative Use Permit in the "C1" – Neighborhood Commercial Zone.

APPLICANT'S PROPOSAL
(1) To allow the continued sale of beer and wine for off-site consumption at an existing retail store

ENVIRONMENTAL DETERMINATION
The project is exempt from CEQA review pursuant to State CEQA Guidelines Section 15301, Class 1 - Existing Facilities, because the discretionary permit request is to allow the sale of beer and wine for an existing retail store use within an existing building.

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the analysis by Community Development Department staff, this Administrative Use Permit application is **APPROVED WITH CONDITIONS** based on the following:

REQUIRED/MANDATED FINDINGS

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

The proposed use will be consistent with the General Plan. The project site is located within the Neighborhood Commercial (C1) Zone, which is intended as a

zone for small shopping centers, professional buildings, service centers, and other commercial activities providing convenience goods and services to the surrounding residential neighborhood. An 8,000 SF food market that sells beer and wine for off-site consumption is compatible with the zone, as typically the alcohol will be sold along with other food products.

No operational or physical changes are proposed to the use or site; therefore, there are no changes that will result in inconsistency with any other Elements of the General Plan, including the Housing, Circulation, Historic Preservation, Noise, Safety, or Open Space and Conservation Elements. The conditions of approval placed on the project will ensure the project does not contribute to local crime.

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 continued sale of beer and wine for off-site consumption, in compliance with the conditions of approval, is not anticipated to be detrimental to the public health, safety, general welfare, or environment. The subject food market has been selling beer and wine at this location for over 15 years, and the continued use is not anticipated to result in detrimental impacts. The Police Department indicates that within the past year, there have been no calls for police service related to alcohol at the subject site.

The proposed AUP has been reviewed by the Neighborhood Services Division and Police Department to identify potential negative impacts of the project on the public health, safety, general welfare or environment. The Neighborhood Services Division had no comments regarding the proposed project. The Police Department reviewed the project and reported it is located in census tract 3021.04, where the suggested limit by ABC for off-sale (sale of beer and wine for off-site consumption) establishments is two. Currently, there are three off-sale establishment licenses located in this tract, including the applicant's license. Based on arrests and Part 1 (violent and property) crime statistics in year 2019 for this census tract, there were 208 crimes, which is 25% above the citywide average of 167. The Police Department recommended standard conditions of approval to prevent any negative impacts to the community from the sale of beer and wine, most of which have been included in the staff recommendation. Staff does not recommend imposing conditions that restrict the hours during which alcohol may be sold, nor on the sale of individual units of alcohol, since there have been no alcohol-related police service calls at the site and there are numerous other conditions of approval included that address preventing the on-site consumption of alcohol.

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

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 sale of beer and wine for off-site consumption will not conflict with the adjacent land uses. The building is located along a major commercial boulevard that is already developed with similar uses; thus it is compatible with existing development. The sale of beer and wine has been occurring at the site since 2003 and has not been in conflict with the adjacent uses. Further, the use is incidental to the primary food market use, and any potential negative impacts to the neighborhood will be mitigated or prevented by the conditions of approval. The sale of beer and wine will not impede the normal development of surrounding property because it is a complementary use to surrounding development. The project site is located within the Neighborhood Services (C1) Zone, which is intended to offer commercial activities providing convenience goods and services to the surrounding residential neighborhood. A large (greater than 8,000 SF) food market that also sells beer and wine for off-site consumption is appropriate, as it provides an amenity to residential uses in the area; therefore, it is consistent with the desired land use for this district.

Within walking distance (1/4 mile) to the site, there are two schools (Glendale High School and Little Stars Day Care and Pre-School), one church (Calvary Chapel Glendale), one park (Carr Park), and residential uses. While these facilities and uses are within close proximity to the project site, there is no evidence that the existing food market operation and sale of beer and wine have been in conflict with these neighboring uses. There are no records from Police or Neighborhood Services of neighborhood complaints of the project within the past year. Furthermore, the conditions of approval will mitigate or prevent negative impacts to the neighborhood from the use. Therefore, the continued sale of beer and wine is not anticipated to be detrimental to the community or adversely conflict with the community's normal development.

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 for the use and are existing. No changes to the existing landscaping or parking layout are proposed.

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

That the following criteria set forth in Glendale Municipal Code Section 30.49.030 (E) be considered in making the findings in subsection A through D above.

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.**

   As noted in Finding B above, the off-site uses in the census tract do exceed the recommended maximum concentration; however, there were no alcohol-related police service calls to the subject site and the conditions of approval act to prevent any negative impacts to the neighborhood. Therefore, the use is not anticipated to intensify or otherwise contribute to any adverse impacts to the surrounding area caused by such over concentration.

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.**

   As noted in Finding B above, the crime rate in the subject census tract is 25% above the city average; however, there were no alcohol-related police service calls to the subject site and the conditions of approval act to prevent any negative impacts to the neighborhood. Therefore, the use does not and will not encourage or intensify crime within the district.

3) **That the existing or proposed use does not or will not adversely impact any church, public or private school or college, day care facility, public park, library, hospital or residential use within the surrounding area.**

   As more fully detailed in Finding C above, church, school, park, and residential uses are within walking distance (1/4 mile) to the site. While these facilities and uses are within close proximity to the project site, the suggested conditions of approval made by the Police Department and other conditions relevant to the project have been incorporated into the staff recommendation to ensure any potential negative impacts will be appropriately mitigated. Further, the sale of beer and wine has been occurring at this location since 2003 without impacting any of the adjacent churches, schools, parks or residential uses.

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.**

The subject site will continue to provide 51 parking spaces, which exceeds the code required parking. Two bus stops (Metro and Beeline) are located within 500 feet walking distance that service several bus routes.

5) **That, notwithstanding consideration of the criteria in subsections 1 through 4 above, the existing or proposed use does or will serve a public necessity or public convenience purpose for the area.**

The applicant's request to allow the continued sale of beer and wine for off-site consumption at a 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 it will not adversely impact nearby businesses and residential uses.

PUBLIC COMMENTS RECEIVED

No public comments were received.

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 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.

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 the service of beer and wine shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control.

5. That the applicant shall provide training to its personnel regarding the sale of alcoholic beverages to minors or intoxicated persons. Alcoholic Beverage Control staff is available to provide such training.

6. That store display racks with alcoholic beverages shall be positioned such that they are in clear line of sight by business management and staff with no restricted view.

7. That no exterior signs advertising the sales/service of alcoholic beverages shall be permitted.

8. That interior signs shall be posted, clearly stating that no sale of alcoholic beverages will be made to minors or intoxicated persons.

9. 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.

10. That alcoholic beverage display areas shall be appropriately lit.

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

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

13. 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.

14. That signs shall be posted, indicating that no loitering or trespassing are allowed on the premises.

15. 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.

16. That the business adheres to the City of Glendale's Fresh Air Ordinance, Title 8, Chapter 8.52 of the Glendale Municipal Code.

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

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

APPEAL PERIOD

The applicant's attention is called to the fact that this approval 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 so that imperfections/incompleteness may be corrected before the appeal period expires.

Any appeal must be filed on the prescribed forms within 15 days following the actual date of the decision. Information regarding appeals, appeal forms and fees will be provided by the Community Development Department staff upon request by calling 818-548-2140.

The completed appeal form must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **APRIL 15, 2020**.

Due to the current COVID-19 social distancing and work from home orders issued by federal, state and local governmental agencies, in order for any appeal to be considered timely, **the appeal must be postmarked by the April 14th deadline (mailed to Community Development Department – Planning Division, Attention Cassandra Pruett, 633 East Broadway, Room 103, Glendale, CA 91206) OR emailed to the case planner (Cassandra Pruett at cpruett@glendaleca.gov) prior to the close of said business day.** The prescribed fee must be included along with the appeal application and may be submitted either in the form of a check or credit card payment. For credit card payment, please contact the case planner to make arrangements with the cashier. Note: The standard 3% fee for credit card payment applies.

APPEAL FORM is available online at:
https://www.glendaleca.gov/home/showdocument?id=11926

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 $1,000.00, or imprisonment for a term not to exceed six months, or by both fine and imprisonment. Infractions are punishable by

a fine not exceeding the sum of $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 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 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 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 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.

Cessation

An Administrative Use Permit may be terminated by the review authority upon any interruption or cessation of the use permitted by the Administrative Use Permit for one year or more in the continuous exercise in good faith of such right and privilege.

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, Cassandra Pruett at (818) 937-8186 or cpruett@glendaleca.gov.

Sincerely,

Philip Lanzafame
Director of Community Development

Erik Krause
Planning Hearing Officer

EK:CP:ek

City Clerk (K.Cruz); Police Dept. (A.Jenks/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(J.Halpert); Traffic & Transportation Section (P.Casanova); General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (G. Tom/S. Boghosian/R.Takidin); Glendale Water & Power--Electric Section (B. Alshanti/B.Ortiz/E.Olsen); Parks, Recreation and Community Services Dept. (T. Aleksanian); Neighborhood Services Division (R.Sada/J.Jouharian/); Integrated Waste Management Admin. (D. Hartwell); Maintenance Services Section Admin. (D. Hardgrove/J.Cawn); Street and Field Services Admin.; Engineering and Environmental Management (C.Chew/R. Villaluna); and case planner – Cassandra Pruett.