

December 21, 2017

Ofelya Nazaryan
1891 Maginn Drive
Glendale, Ca 91202

**RE: 1150 NORTH CENTRAL AVENUE
ADMINISTRATIVE USE PERMIT CASE NO. PAUP 1719934
(Golden Market)**

Pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.49, the Community Development Department has processed your application for an administrative use permit to allow the off-site sales of alcohol at an existing grocery market in the "C1" – Neighborhood Commercial Zone, located at **1150 North Central Avenue**, described as Lots 6 – 12 of Tract No. 952, and Lots 8-12 of Frerk and Klopfer Tract, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

(1) Off-site sales of alcoholic beverages requires an Administrative Use Permit in the "C1" – Neighborhood Commercial Zone.

APPLICANT'S PROPOSAL

(1) To allow off-site sales of alcoholic beverages (Type 21) at an existing grocery store.

ENVIRONMENTAL DETERMINATION

The project is exempt from CEQA review as a Class 1 "Existing Facilities" exemption, pursuant to State CEQA Guidelines Section 15301 because this application is for an existing grocery store to provide off-site sales of alcoholic beverages. There are no proposals to add floor area to the grocery store.

After considering the evidence presented with respect to this application, the Director of Community Development has **APPROVED WITH CONDITIONS** your request based on the following findings:

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 based on the following:

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

The applicant's request to allow the sale of alcoholic beverages (Type 21) for off-site consumption at an existing grocery store ("Golden Market") will be consistent with the elements and objectives of the General Plan. The subject site is located in the C1 (Neighborhood Commercial) zone, and the General Plan Land Use Element designation is Neighborhood Commercial. Goods and services that are offered in this zone generally attract clientele from the adjoining residential neighborhoods. The sale of alcoholic beverages for off-site consumption at this location is appropriate in an area of the city zoned for commercial uses, and will continue to provide an option for the community to purchase alcoholic beverages for off-site consumption. Retail and service uses are permitted in the C1 (Neighborhood Commercial) zone, and are consistent with the Neighborhood Commercial land use designation. The Circulation Element identifies North Central as a minor arterial thoroughfare and Stocker Street as community Collector Street that are fully developed and can adequately handle the existing traffic circulation around the site. These streets serve the adjacent residential neighborhoods in the area where the subject site is located. The project site is already developed and the applicants request is only to allow the off-site sales of alcoholic beverages at the existing grocery store. The other elements of the General Plan, including Open Space, Recreation, Housing, and Noise, will not be impacted as a result of the applicant's request as this is an existing development in the city, and there is no expansion proposed. The applicant's request to sell alcoholic beverages for off-site consumption is not anticipated to create any negative traffic-related impacts on North Central Avenue or Stocker Street over and above the existing conditions as the proposal is an ancillary service to the grocery store. This application does not include any added floor area or modifications to the existing building; therefore there will be no increase in the demand for parking.

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 the existing grocery store is not expected to be detrimental to the public health, safety, general welfare, or to the environment. According to the Glendale Police Department (GPD), the subject property is located in Census Tract 3012.04 where the suggested limit for off-sale alcohol establishments is three. Currently, there are four off-sale establishments located in Census Tract 3012.04, including Golden Market. The ancillary sale of alcoholic beverages for off-site consumption in conjunction with a grocery store is a common service that is not typically associated with public drunkenness or other alcohol-related crimes as there is no consumption permitted on-site. Based on Part 1 crime statistics for this Census Tract, there were 91 crimes reported in this tract,

which is below the citywide average of 194. Within the last calendar year there was one call for police service at this location. According to the GPD, the call related to a public disturbance. The Police Department has suggested conditions of approval that have been incorporated to ensure there are no negative impacts to the public health, safety, general welfare, or the environment. In addition, no evidence has been presented that would indicate that the incidental sale of alcoholic beverages for off-site consumption at the existing grocery store would encourage or intensify crime within the district.

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 applicant's request to allow the sale of alcoholic beverages for off-site consumption at an existing grocery store will be detrimental to the community or adversely conflict with the community's normal development. Golden Market has operated at this location as a grocery store without any major incident for 20 years. The grocery store is open seven days a week, from 8:30am to 9:00pm. Their request to allow the sale of alcoholic beverages for off-site consumption is not anticipated to adversely conflict with surrounding properties as it is ancillary to the primary grocery store use, and no consumption is permitted on-site. Additionally, the market has sold alcohol for a number of years without incident.

While there are residential developments in the area, there are no public facilities located within the immediate area. The nearest school is Toll Middle School and Hebert Hoover High School, located approximately 0.4 miles away along Glenwood Road and Concord Street, which are residential streets. While these facilities and uses are within the vicinity, it is not anticipated that any negative impacts to these uses would occur based on the applicant's request to allow retail sales of alcoholic beverages for off-site consumption.

The Circulation Element identifies North Central Avenue as a minor arterial and Stocker Street as community collector streets that are fully developed and can adequately handle the existing traffic circulation around the site. These streets serve the adjacent residential neighborhoods in the area and where the subject site is located. The applicant's request to sell alcoholic beverages for off-site consumption is not anticipated to create any negative traffic-related impacts on North Central Avenue or Stocker Street over and above the existing conditions as the proposal is an ancillary service to the existing grocery store.

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, parking spaces and traffic circulation measures are provided for the use and are existing. The

applicant's request is only to allow the off-site sales of alcoholic beverages at an existing grocery store, and no expansion to the existing building is proposed. Associated utilities exist within the public rights-of-way and are adequate to continue service to the building. The project site was originally developed in 1988 with a multi-tenant commercial building. The project site features two handicap parking stalls in addition to 85 on-site parking spaces. The addition of alcoholic beverage sales for off-site consumption at the existing grocery store does not require additional parking. The parking demand is not anticipated to intensify with the applicant's request to allow for retail sales of alcoholic beverages for off-site consumption beyond the existing conditions. The applicant's AUP request for alcoholic beverage sales will not require any new city services, nor will it require any changes to landscaping, parking or traffic circulation.

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 to be considered in making the findings in subsection A. through D. above have all been met and thoroughly considered:

- 1) That such use will not tend to intensify or otherwise contribute to the adverse impacts on the surrounding area caused by over concentration. The Glendale Police Department noted no concerns with this proposal.
- 2) That such use will not tend to encourage or intensify crime within the district. No evidence has been presented which would indicate that a grocery market with sales of alcoholic beverages in this location has or would encourage or intensify crime within the district.
- 3) That such use 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). The closest public facility to the proposed project is Toll Middle School and Herbert Hoover High School, located approximately 0.4 miles away. While residential uses are located nearby, the existing grocery market has not proven to impact those uses. Additionally, the project is conditioned to ensure the function of this market and sale of alcoholic beverages in compliance with all municipal codes and state law. The proposed off-site sales of alcoholic beverages at the existing grocery market are not anticipated to adversely impact other neighboring uses in this area.
- 4) That the proposed use satisfies its transportation or parking needs as described above because adequate access, parking and delivery spaces are available to serve this use.

- 5) That the proposed use will serve a public necessity or public convenience purpose for the area as evidenced by the demand for grocery markets with alcoholic beverage sales in the northern Glendale area.

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 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 signs indicating no loitering or trespassing shall be posted.
5. That the sales of alcoholic beverages shall be permitted only between the hours of 8:30 AM to 9:00 PM each day of the week.
6. That individual unit sales of alcoholic beverages shall be restricted. No individual unit sales for beer shall be allowed. No individual unit sales for wine less than a full sized bottle shall be allowed.
7. That the store shall provide training for its personnel regarding prohibiting sales to minors or intoxicated persons. Alcohol Beverage Control staff is available and can provide this training.
8. That the store display racks be positioned such that they are in a clear line of sight by the management and staff with no restricting view.
9. That signs shall be posted clearly specifying no sales to minors or intoxicated persons.
10. That the sale of beer, wine, and/or distilled spirits for consumption on the premises is strictly prohibited.
11. That no exterior signs advertising the service of alcoholic beverages shall be permitted.

12. The Manager and or Staff shall be proactive in the enforcement of the City of Glendale Clean Air Act.
13. That the parking area shall be kept adequately illuminated for security purposes during all hours of darkness. No lighting shall be installed or maintained that shines or reflects onto adjacent properties.
14. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.
15. That all signs displayed shall conform to the requirements of the Glendale Municipal Code and that the existing window signs be modified to meet the requirements of the sign code.
16. That the market shall remain open to the public during business hours.
17. That the premises shall be operated in full accord with applicable State, County, and local laws.
18. That access to the premises shall be made available to all City of Glendale Planning and Neighborhood Services Divisions, Police Department, and Fire Department staff upon request for the purpose of verifying compliance with all laws and conditions of this approval.
19. That a Business Registration Certificate be applied for and issued for a grocery market with sales, service, and consumption of alcoholic beverages, subject to the findings and conditions outlined in this decision letter.
20. That authorization granted herein shall be valid for a period of **TEN (10) YEARS UNTIL DECEMBER 21, 2027.**

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 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 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 **January 5, 2018**, 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>

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, 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 30.4 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.

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, Bradley Collin at (818) 548-3210 or bcollin@glendaleca.gov

Sincerely,

Philip Lanzafame
Director of Community Development



Roger Kiesel
Senior Planner

RK:BC:sm

CC: City Clerk (K.Cruz); Police Dept. (S.Bickle/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 – Bradley Collin.