

August 2, 2018

Nareg Khodadadi  
213 North Orange Street, Suite E  
Glendale, CA 91203

**RE: 328 NORTH ORANGE STREET - UNIT 'A'  
ADMINISTRATIVE USE PERMIT NO. PAUP 1723539  
(Farm District Market Place)**

Dear Mr. Khodadadi:

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 alcoholic beverages (Type 21) at a new grocery market in the "DSP/MO" - Downtown Specific Plan/Mid Orange District, located at **328 North Orange Street - Unit A**, described as Lot 29, Block 7, Glendale Park Tract, in the City of Glendale, County of Los Angeles.

**CODE REQUIRES**

- (1) The sale of alcoholic beverages for off-site consumption requires an Administrative Use Permit in the "DSP/MO" -Downtown Specific Plan/Mid Orange District.

**APPLICANT'S PROPOSAL**

- (1) An Administrative Use Permit to allow the off-site sales of alcoholic beverages at a new grocery market (4,425 square feet).

**ENVIRONMENTAL RECOMMENDATION**

The project is exempt from CEQA review per State CEQA Guidelines Section 15301, Class 1 "Existing Facilities" because this is an existing tenant space for a new grocery market to include the sale of alcohol for off-site consumption. There are no proposals to add floor area to the 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**

- 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 a new, 4,425 square-foot grocery market ("Farm District Market Place") will be consistent with the elements and objectives of the General Plan. The subject site is located in the DSP/MO - (Downtown Specific Plan/Mid Orange District) zone, and the

General Plan Land Use Element designation is Downtown Specific Plan/Mid Orange District. Goods and services that are offered in this zone generally attract clientele from the surrounding Downtown businesses and residential units. The sale of alcoholic beverages for off-site consumption at this location is appropriate in the Downtown area of the City zoned for a variety of commercial and high density residential uses, and will provide an option for the community to purchase alcoholic beverages for off-site consumption. Retail and service uses are permitted in the DSP/MO (Neighborhood Commercial) zone and are consistent with the Downtown Specific Plan/Mid Orange District land use designation. Adjacent uses include Glendale Centre Theater to the south, a bank parking structure to the north, and two high-density, multi-family residential developments across Orange Street to the west.

The new market with alcoholic beverage sales is consistent with the other elements of the General Plan. The Circulation Element identifies North Orange Street as an urban collector thoroughfare, which is fully developed and can adequately handle the existing traffic circulation around the site. Parallel to and between Brand Boulevard to the east and Central Avenue to the west, North Orange Street serves as an additional north-south thoroughfare and provides access to the rear of many of the developments along Brand Boulevard and Central Avenue, as well as several City parking lots. The other elements of the General Plan, including Open Space, Recreation, and Housing, will not be impacted as a result of the applicant's request as this use is proposed within an existing development in the city not associated with a site slated for open space or recreation, or with a housing project. As shown in the City's 2003 Noise Element, the project site is located "70 CNEL and over" noise contour area. The proposed use shall comply with the City's Noise Ordinance as noted in Municipal Code Chapter 8.36.

The project site is currently undergoing a tenant improvement to subdivide the existing commercial building into three tenant spaces (Building Permit No. BB 1700496). Unit 'A', which is the location for the new grocery market with full kitchen (Building Permit No. BB 1702948), will feature 4,425 square feet and will directly front Orange Street-Unit 'B' will be 1,473 square feet and Unit 'C' will be 3,190 square feet. This Administrative Use Permit request is to allow the off-site sales of alcoholic beverages at the new grocery market in Unit 'A' only. The proposal will be an ancillary service to the new grocery market and not a liquor store. The applicant's request to sell alcoholic beverages for off-site consumption is not anticipated to create any negative traffic-related impacts on North Orange Street over and above the existing conditions. The subject market is replacing a previous retail use (medical equipment sales) that occupied the entire, approximately 5,898 square-foot ground floor, which is being subdivided into Unit 'A' (4,425 square feet) and Unit 'B' (1,473 square feet). Since there is no change in use (retail to retail) and the tenant space will be smaller than the previous store, no additional parking is required (GMC 30.32.030.B.5).

**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 new grocery market 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 3018.02, where the suggested limit for off-sale alcohol establishments is two. Currently, there are four off-sale establishments located in Census Tract 3018.02. Farm District Market Place will bring the total to five. The ancillary sale of alcoholic beverages for off-site consumption in conjunction with a grocery market 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 199 crimes reported in this tract, which is slightly above the citywide average of 194. Within the last calendar year, there were no calls for police service at this location, which has remained vacant. 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 new grocery market 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 a new grocery market will be detrimental to the community or adversely conflict with the community's normal development. 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 intended to be ancillary to the primary grocery market use (not a liquor store), and no consumption is permitted on-site.

While there are high-density residential developments in the immediate vicinity, there are no public facilities (schools, churches, parks, etc.) located within the immediate area. It is not anticipated that any negative impacts to the residential uses would occur based on the applicant's request to allow retail sales of alcoholic beverages for off-site consumption. The market would actually provide a convenient location to purchase groceries, including alcoholic beverages, for the neighboring residents and business workers/patrons. The proposal and incidental sale of alcoholic beverages are not anticipated to cause any conflicts with surrounding development in the future and will not adversely impact existing facilities, property values, or normal development within the surrounding area. The conditions attached assure that the facility will be well regulated. GMC Section 30.64.020 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 for the use and are existing. The applicant's request is to allow the off-site sales of alcoholic beverages at a new grocery market, and no expansion to the existing building is proposed at this time. The project site was originally developed in 1958 with two commercial tenants. The addition of alcoholic beverage sales for off-site consumption at the new grocery market does not require additional parking due to the market replacing an existing retail store (GMC 30.32.030.B.5). The applicant's Administrative Use Permit 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 OFF-SITE SALES OF ALCOHOL**

That all the criteria set forth in Section 30.42.030 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). There are no public facilities within the vicinity. While residential uses are located nearby, the new grocery market should not 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 new 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 and delivery spaces are available to serve this use. As noted in Finding D. above, no additional parking is required due to the new grocery market replacing the previous retail use with an even smaller floor area, per GMC 30.32.030.B.5.
- 5) That notwithstanding consideration in subsections 1. through 4. above, the proposed use will serve a public necessity or public convenience for the area as evidenced by the demand for grocery markets with alcoholic beverage sales in the downtown Glendale area. The applicant's request to allow the sales of alcohol for off-site consumption at a new grocery market will serve the local residents, businesses, and the surrounding community. Conditions placed on the approval of the project will ensure that it will not adversely impact nearby businesses and residential uses.

**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 the premises shall be operated in full accord with applicable State, County, and local laws.
4. 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.
5. That the approval shall be for a new 4,425 square-foot grocery market with alcoholic beverage sales for off-site consumption and not a liquor store or tavern, and that any expansion or modification of the facility or use which intensifies the Administrative Use Permit shall require a new Administrative 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, with concurrence by the Director of Community Development.
6. That all lighting, sound and odors shall be confined to the occupancy so as not to disturb occupants of other businesses or properties and patrons on the public right-of-way, and that sufficient measures be enforced to effectively eliminate interior and exterior loitering, disturbing noise, disturbing light, loud conversation, and criminal activities. The Director of Community Planning's opinion shall prevail to arbitrate any conflicts.
7. That signs indicating no loitering or trespassing shall be posted.
8. 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.
9. That the store shall provide training for its personnel regarding sales to minors or intoxicated persons. Alcohol Beverage Control staff is available and can provide this training.
10. 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.
11. That signs shall be posted clearly specifying no sales to minors or intoxicated persons.
12. That the sale of beer, wine, and/or distilled spirits for on-site consumption on the premises is strictly prohibited.
13. That the manager and/or staff shall be proactive in the enforcement of the City of Glendale Clean Air Act.
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.

16. That the market shall remain open to the public during business hours.
17. That the front doors to the market on Orange Street and the rear door facing the alley shall be kept closed at all times while the location is open for business, except in case of emergency.
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 retail grocery market with off-site sales 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 AUGUST 2, 2028.**

#### **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 and 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 **August 17, 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 an Administrative 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



Vilia Zemaitaitis  
Principal Planner

VZ:BC:sm

CC: 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 – Bradley Collin.