



October 9, 2018

Trader Joe's Company  
c/o Flaherty and O'hara, PC  
800 West Shamrock Avenue  
Monrovia, CA 91016

**RE: 103 EAST GLENOAKS BOULEVARD  
ADMINISTRATIVE USE PERMIT NO. PAUP 1819712  
(TRADER JOE'S)**

Dear Applicant:

Pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.49, the Community Development Department has processed your application for continued sale of alcoholic beverages for off-site consumption at an 11,500 square-foot market (Trader Joe's), in the "C3" Commercial Service Zone, Height District III, located at **103 East Glenoaks Boulevard**, City of Glendale, County of Los Angeles.

**CODE REQUIRES**

(1) Alcoholic beverage sales require an Administrative Use Permit in the Commercial Services Zone.

**APPLICANT'S PROPOSAL**

(1) To allow the continued sale of alcoholic beverages for off-site consumption at an existing 11,500 square-foot market.

**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 alcohol for an existing market use within the 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's nine (9) Elements (sections): Land Use, Housing, Circulation, Historic Preservation, Open Space and Conservation, Recreation, Noise, Safety and Air Quality.

- Land Use – The project site is located within the Commercial Service (C3) Zone. The purpose of the zone is to offer a full range of goods and services to the community located along commercial thoroughfares within the City, with commercial uses and building heights being restricted and buffering techniques incorporated into the development design. A one-story market selling alcohol beverages for off-site consumption is appropriate in this zone because it assists in providing a full range of goods to the neighboring community.
- Housing – The project does not include any housing units.
- Circulation – The Circulation Element designates Brand and Glenoaks Boulevards as “Major Arterials”. The predominant use and character of frontage property specified in the plan for Brand Boulevard includes regional commercial, automobile retail and light industrial; for Glenoaks Boulevard, it includes low, moderate, and medium-density residential, and neighborhood, community and regional commercial. A market selling alcohol for off-site consumption is an appropriate use for these street types.
- Historic Preservation – The building (101-103 East Glenoaks) associated with the project site is not a historic building.
- Open Space and Conservation – The project site is not designated for open space.
- Recreation – The site is not identified for recreational use in the Recreation Element.
- Noise – The project site is located on two streets recommended by the Noise Element not to exceed a noise level of 70 CNEL (Community Noise Equivalent Level, a weighted average sound level over a 24-hour period with 60 CNEL being appropriate for residential neighborhoods). The proposed use is consistent with the recommended noise level.
- Safety – No development or changes to the building or business operation are proposed that would affect seismic, flooding, fire, or hazardous materials safety. The Safety Element also calls for ongoing management of local crime by the Police Department. This project has been evaluated by the Police Department (as more fully described in Finding B) and is compatible with the land use.
- Air Quality – The project (sale of alcohol for off-site consumption) is not a source of or contributor to air pollution.

**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 alcohol for off-site consumption is not anticipated to be detrimental to the community or to adversely conflict with the community's normal development. The building is buffered on almost all sides by other commercial uses and a large parking lot, and for the remaining adjacent residential uses, the conditions have limited the hours of



operation and delivery truck schedules to further reduce traffic impacts to the neighborhood. The establishment has been in operation, with the sale of alcoholic beverages, for five years and has not resulted in negative impacts to the surrounding area.

The proposed AUP has also been reviewed by the Police Department and the Neighborhood Services and Planning Divisions within the Community Development Department to identify potential negative impacts of the project on the public health, safety, general welfare or environment. The Neighborhood Services Division did not identify any issues with the proposal. The Police Department reviewed the project and reported it is located in census tract 3011.00, where the suggested limit by Alcoholic Beverage Control (ABC) for off-sale (sale of alcohol for off-site consumption) establishments is four. Currently, there are three off-sale establishment licenses located in this tract, including the applicant's existing Type 21 Off Sale General license. Based on arrests and Part 1 (violent and property) crime statistics in year 2017 for this census tract, there were 106 crimes, which is below the citywide average of 180. Within the last calendar year there were numerous calls for police service at the subject site; however, none of the calls were directly related to alcohol sales. The Police Department has suggested conditions of approval that have been included in the staff recommendation to ensure there are no negative impacts to the public health, safety, and general welfare.

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 alcohol for off-site consumption will not conflict with the adjacent land uses. The sale of alcoholic beverages is ancillary to the primary market use, and any potential negative impacts to the neighborhood will be mitigated or prevented by the conditions. Further, the continued sale of alcoholic beverages 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 Commercial Service (C3) Zone of the General Plan Land Use Element. The C3 Zone is a commercial district offering a full range of goods and services to the community located along commercial thoroughfares within the City. A market providing alcohol for off-site consumption is appropriate and provides an amenity to commercial and residential tenants 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 (Incarnation Parish [elementary] School and St. Mark's Preschool), three churches (Church of the Incarnation which is located across the street from the subject site, St. Mark's Episcopal Church, and Glendale Holy Trinity Armenian Foursquare Church), various multi-family residential development and some single-family residential at the border of the walking distance radius. While these facilities and uses are within close proximity to the project site, the existing retail operation and sale of alcoholic beverages have not been in conflict with the existing uses; furthermore, the conditions will mitigate or prevent negative impacts to the neighborhood from the use. The suggested conditions of approval made by the Police Department have



been incorporated into the staff recommendation to ensure any potential negative impacts will be appropriately mitigated. Therefore, the continued sale of alcoholic beverages 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, 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. The subject site relies on the 124-space on-site parking lot which complies with code requirements, and the parking demand is not anticipated to intensify with the sale of alcoholic beverages.

**THAT THE CRITERIA SET FORTH IN SECTION 30.42.030 (F) TO BE CONSIDERED IN MAKING THE FINDINGS IN SUBSECTION A. THROUGH D. ABOVE HAVE ALL BEEN MET AND THOROUGHLY CONSIDERED.**

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 not exceed the recommended maximum 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 below the city average.
- 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, several church, school, 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.
- 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 site is fully developed with no proposed changes and adequate parking and loading facilities are currently provided.

Further, the sale of alcohol for off-site consumption at an existing market is not anticipated to intensify traffic circulation or parking demand because it is a continuation of the same use.

- 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 sale of alcohol for off-site consumption at a 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.

#### **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, 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.
3. That the sales of alcoholic beverages shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control (ABC).
4. That the sales of alcoholic beverages shall be permitted only between the hours of 8 a.m. to 10 p.m. seven days per week.
5. That the sale of beer, wine, and/or distilled spirits for consumption on the premises is strictly prohibited.
6. That the off-site sale of alcoholic beverages shall be incidental to the main use as a market establishment.
7. That no exterior signs advertising the service of alcohol shall be permitted.
8. That signs shall be posted clearly specifying no sales to minors or intoxicated persons.
9. That signs shall be posted indicating no loitering or trespassing.
10. That the store shall provide training for its personnel regarding sales to minors or intoxicated persons. ABC staff is available to provide this training.
11. That store display racks for alcoholic beverages shall be appropriately lit and positioned such that they are within a clear line of sight by management staff and with no restricted view.



12. That the proprietor and his/her employees shall make an active and conscientious effort to keep customers and employees from trespassing, loitering, or consuming alcoholic beverages on the property, adjacent properties or otherwise making disturbances in the area.
13. That the delivery trucks shall follow the established delivery truck route (entering the site from Brand or Glenoaks Boulevards, traveling north through the site and exiting westbound on Fairview Avenue) and shall be prohibited from exiting the site eastbound on Fairview Avenue and traveling through the residential neighborhood. No deliveries shall be permitted before 6am or after 10pm.
14. That any exterior lighting shall be directed onto the driveways, walkways and parking area within the development and shall be shielded away from adjacent properties and the public right-of-way.
15. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.
16. That the manager and staff shall be proactive in the enforcement of the City of Glendale's Fresh Air Ordinance.
17. 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.
18. That the authorization granted herein shall be valid for a period of **TEN (10) YEARS UNTIL OCTOBER 9, 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 City Council 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 **October 24, 2018** at the PSC, 633 East Broadway, Room 101, Monday thru Friday 7:00 a.m. to 12:00 p.m., or at the 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, Cassandra Pruett at (818) 937-8186 or [cpruett@glendaleca.gov](mailto:cpruett@glendaleca.gov)

Sincerely,  
Philip Lanzafame  
Director of Community Development



Bradley Collin  
Planning Hearing Officer

BC:CP: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/T.Dodson); Street and Field Services Admin.; Engineering and Environmental Management (C.Chew/R. Villaluna); and case planner – Cassandra Pruett.