



CITY OF GLENDALE, CALIFORNIA
Community Development
Planning

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glendaleca.gov

October 18, 2018

Ms. Janelle Williams
2418 Honolulu Avenue, Suite 'B'
Montrose, CA 91020

**RE: 1270 SOUTH GLENDALE AVENUE
ADMINISTRATIVE USE PERMIT NO. PAUP 1811591
(EI Pipil Market)**

Dear Ms. Williams:

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 beer and wine at a new grocery store in the "C3" – Commercial Service Zone, located at **1270 South Glendale Avenue**, described as Portion Lot 13 of Tract No. 282 in the City of Glendale, County of Los Angeles.

CODE REQUIRES

- 1) Alcoholic beverage sales require an Administrative Use Permit in the C3 – Commercial Service Zone.

APPLICANT'S PROPOSAL

- 1) To allow off-site sales of beer and wine (Type 20) at a new grocery store (*not* a liquor 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 a new grocery store that is replacing a previous retail market and will provide off-site sales of beer and wine. There are no proposals to add floor area or modify the façade of 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 beer and wine (Type 20) for off-site consumption at a grocery store ("El Pipil Market") will be consistent with the elements and objectives of the General Plan. The subject site is located in the C3 (Commercial Service) zone and the General Plan Land Use Element designation for the site is Community/Services. Goods and services that are offered in this zone generally attract clientele from the adjoining residential neighborhoods. The sale of beer and wine for off-site consumption at this location within an existing commercial strip center is appropriate on this southerly portion of Glendale Avenue zoned for commercial uses, and will provide an option for the surrounding community to purchase grocery items as well as alcoholic beverages for off-site consumption. Retail uses are permitted in the C3 (Commercial Service) zone and are consistent with the Community/Service land use designation. The Circulation Element identifies South Glendale as a major arterial thoroughfare which is fully developed and can adequately handle the existing traffic circulation around the site. Cypress Street is considered a neighborhood collector and serves the adjacent residential neighborhoods to the east. 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 beer and wine for off-site consumption is not anticipated to create any negative traffic-related impacts on South Glendale Avenue or East Cypress Street over and above the existing conditions, as the proposed alcoholic beverage sales are an ancillary service to the grocery store.

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 beer and wine for off-site consumption at the 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 3025.05 where the suggested limit for off-sale alcohol establishments is two. Currently, there are five off-sale establishments located in Census Tract 3018.02. El Pipil Market will bring the total to six. The ancillary sale of beer and wine 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 103 crimes reported in this tract, which is below the citywide average of 180. Within the last calendar year there were no calls for police service at this location. 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. One letter was received from a neighbor/resident in opposition to the AUP, citing potential danger from the proposed sale of beer and wine at the grocery store. Additional conditions of approval have been specifically included to ensure that the public safety, general welfare and surrounding environment will not be detrimentally impacted by the sale of beer and wine at the grocery store.

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 beer and wine for off-site consumption at a grocery store will adversely affect or conflict with adjacent uses or impede the community's normal development. Their request to allow the sale of beer and wine 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.

The subject property is directly adjacent to a residential neighborhood to the east and is located near other commercial businesses along Glendale Avenue. Theodore Roosevelt Middle School is located 0.2 miles north of the subject site at the north-east corner of Glendale Avenue and East Chevy Chase Drive. While there are residential developments and a middle school in the vicinity, it is not anticipated that any negative impacts to the residential or public uses would occur based on the applicant's request to allow retail sales of beer and wine for off-site consumption, as conditioned. The subject building is oriented towards Glendale Avenue and pedestrian access to the market faces the street; the rear of the center is a solid wall with no doors or windows facing the adjacent residential neighbors, so activity is directed away from the residential neighborhood. Specific conditions of approval have been included, such as limited hours of alcoholic beverage sales, no individual unit sales of beer and wine, no exterior signage of beer and wine, and required active enforcement by the operator prohibiting sales to minors and intoxicated individuals. These conditions will help to ensure that the sale of beer and wine will not adversely affect the adjacent uses and the residential neighborhood directly east of the project site.

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 beer and wine at a new grocery store within an existing tenant space in a commercial strip center with no expansion to the existing building. The project site was originally developed in 1966 with three commercial tenants within the strip center. The rear building features two tenants - an existing 1,689 square-foot laundromat and the subject, 1,579 square-foot retail market, and there is a free-standing, fast food restaurant fronting Glendale Avenue. An existing surface parking lot features 13 parking spaces (including one handicap space) for all three tenants. The addition of beer and wine sales for off-site consumption at the new grocery store does not require additional parking due to the market replacing the existing retail store. The parking demand is not anticipated to intensify with the applicant's request to allow for retail sales of beer and wine for off-site sales beyond the existing conditions. The applicant's AUP request for beer and wine sales will not require any new city services, nor will it require any changes to the 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 as noted in Finding B above.
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 store with sales of alcoholic beverages (beer and wine) in this location has or would encourage or intensify crime within the district as noted in Finding B above.

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). As noted in Finding C above, Roosevelt Middle School is located within the vicinity of the store. While the middle school and residential uses are located nearby, the new grocery store with off-site sale of alcoholic beverages should not impact those uses. Additionally, the project is conditioned to ensure the function of this store and sale of alcoholic beverages in compliance with all municipal codes and state law. The proposed off-site sales of beer and wine at the new grocery store 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 is available to serve this use. As noted in Finding D above, additional parking is not required by code due to the market replacing a retail use (retail to retail).
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 beer and wine sales in the south Glendale area, in addition to serving 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. The approval is for a retail grocery market with ancillary off-site sale of beer and wine and **NOT** a liquor store. If the operation of the grocery market changes and the business/property owner intends to operate a liquor store, a new administrative use permit will be required.
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 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.
5. That signs indicating no loitering or trespassing shall be posted.
6. That the sale of beer and wine for consumption on the property is strictly prohibited.
7. That the sales of alcoholic beverages shall be permitted only between the hours of 9:00 a.m. to 11:00 p.m. Sunday through Thursday, and 9:00 a.m. to midnight Friday and Saturday.

8. That no exterior signs advertising the sale of beer and wine shall be permitted.
9. That individual unit sales of beer and wine shall be restricted. No individual can or bottle sales for beer shall be allowed. No individual unit sales for wine less than a full sized bottle shall be allowed.
10. 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.
11. That the store display racks shall be positioned such that they are in a clear line of sight by the management and staff with no restricting view.
12. That signs shall be posted clearly specifying no sales to minors or intoxicated persons.
13. 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. All existing window signage shall be brought into compliance with Code and all future window signage must adhere to the sign standards.
16. That the market shall remain open to the public during business hours.
17. That the front doors to the market 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 OCTOBER 18, 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/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 **November 2, 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>

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. Visit us.

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.

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 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

Any administrative use permit may be terminated by the review authority upon any interruption or cessation of the use permitted by the Variance 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) 548-2140 or bcollin@glendaleca.gov

Sincerely,

Philip Lanzafame
Director of Community Development



Vilia Zemaitaitis, AICP
Planning Hearing Officer

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 (Larry Tan/S. Vartanian); General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (G. Tom/S. Boghosian); Glendale Water & Power - Electric Section (V. Avedian/B. Ortiz); Parks, Recreation and Community Services Dept. (T. Aleksanian); Neighborhood Services Division (Rene Sada); Integrated Waste Management Admin. (D. Hartwell); Maintenance Services Section Admin. (D. Hardgrove); Street and Field Services Admin.; Engineering and Environmental Management (C.Chew/R. Villaluna); and case planner – Brad Collin, Senior Planner