



CITY OF GLENDALE, CALIFORNIA

Community Development
Planning

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glendaleca.gov

October 23, 2018

Kasta Desra Inc.
6406 San Fernando Road
Glendale, CA 91201

**RE: 6406 SAN FERNANDO ROAD
ADMINISTRATIVE USE PERMIT NO. PAUP 1818793
(Continental Gourmet Sausage)**

Dear Applicants:

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 continued sale of alcoholic beverages for off-site consumption (Type 21) at the retail portion of the existing retail food store with a light manufacturing/food processing component in the "C3" (Commercial Service) zone, located at **6406 San Fernando Road**, described as Portion of Lot 5, Block 108, Sub of Rancho Providencia and Scott Tract, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

(1) Alcoholic beverage sales, service and consumption requires an Administrative Use Permit in the "C3" – Commercial Service Zone.

APPLICANT'S PROPOSAL

(1) To allow the continued sale of alcoholic beverages for off-site consumption (Type 21) at the retail portion of the existing retail food store with a light manufacturing/food processing component.

ENVIRONMENTAL DETERMINATION

The project is exempt from CEQA review as a Class 1 "Existing Facilities" exemption pursuant to State CEQA Guidelines Section 15303 because this application is for an existing full service restaurant requesting to continue to sell alcohol for on-site sales, service and consumption. No added floor area is proposed.

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 sale of alcoholic beverages for off-site consumption at the retail portion of the existing retail food store with a light manufacturing/food processing component is consistent with the (9) Elements of the City's General Plan: Land Use, Housing, Circulation, Historic Preservation, Open Space, Conservation, Recreation, Noise, Safety and Air Quality.

- Land Use – The project site is located within a C3 (Commercial Service) Zone. This zone offers a full range of goods and services to the community located along commercial thoroughfares within the City. The General Plan calls for flexibility in the range and type of services provided in this zone. Alcohol sales of beer, wine, and spirits for off-site consumption at “Continental Gourmet Sausage” will be an accessory use to its existing retail sales of imported dry goods and meats processed on-site. This will augment the range of goods sold at this establishment and will serve a public necessity or convenience for the area. The proposal will not result in a liquor store or mini-market with alcohol sales, but rather a small-scale retail operation that features high-quality meats prepared on-site and a selection of imported goods that would include specialized beers, wines, and spirits. Therefore, it is consistent with the Land Use Element of the General Plan.
- Housing – The project does not feature a housing component, and the existing commercial/manufacturing building has been constructed to comply with all applicable Building & Fire Code Standards (at the time of construction). Therefore, it is consistent with this Element.
- Circulation – The Circulation Element designates San Fernando Road from the westerly city boundary to the southerly city boundary as a major arterial. The predominant use and character of frontage property for this major arterial includes community commercial and light industrial structures, and the distribution of traffic among major traffic generators. The applicant's request for an Administrative Use Permit to sell alcoholic beverages for off-site consumption is not anticipated to intensify parking demand and will not require any changes to traffic circulation—the use is appropriate for this street type. Therefore, it is consistent with this Element.
- Historic Preservation – The project site is not located within or adjacent to a historic district, and the site buildings are not of historic significance. Therefore, it is consistent with this Element.
- Open Space and Conservation –The project site is not located within or adjacent to any open space or natural resource. The proposed continued use being evaluated under this application (sale of alcoholic beverages for off-site consumption at an existing retail food store with a light manufacturing/food processing component) does not directly pertain to the subject of resource conservation. Therefore, it is consistent with this Element.
- Recreation – The project site is not identified as parkland by the Recreation Element. Therefore, it is consistent with this Element.
- Noise – The proposal is consistent with the Noise Element because the use will be fully conducted within the existing building and is not anticipated to result in any noise impacts. Therefore, it is consistent with this Element.

- **Safety** – The Safety Element calls for ongoing management of local crime by the Police Department. The Police Department reviewed this project and reported it will be located within census tract 3016.01 where the suggested limit for off-sale alcohol establishments is four. The applicant holds the only license in this tract, which permits the sale of alcohol for off-site consumption. Based on arrests and Part 1 crime statistics for census tract 3016.01 in 2017, there were 284 crimes, above the city wide average of 180. While this area has more crime than in many other areas of the city, it has a high concentration of large retail establishments (e.g., drug stores/pharmacies, supermarkets, etc.) and multi-family uses, which tend to have a higher crime rate compared to lower density residential and retail areas. In addition, this portion of south Glendale is within close proximity to the city's boundary limits between Glendale and Los Angeles. Within the last calendar year there were no calls for police service at the location. 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. Therefore, it is consistent with this Element.
- **Air Quality** – The sale of alcoholic beverages for off-site consumption is not a source of or contributor to air pollution. Therefore, it is consistent with this Element.

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 alcoholic beverages for off-site consumption at the retail portion of the retail food store with a light manufacturing/food processing component is not anticipated to be detrimental to the community or adversely conflict with the community's normal development. The proposal has been reviewed by the Police Department and the Divisions of Neighborhood Services, Building & Safety, and Planning within the Community Development Department to identify potential negative impacts of the project on the public health, safety, general welfare, or the environment. In addition, no public facilities are located in the immediate area. The closest public facilities are: Griffith Manor Park at 1551 Flower Street (0.4 miles away); Fire Station 27 at 1127 Western Avenue (0.6 miles away); Grandview Library at 1535 Fifth Avenue (0.4 miles away); and Thomas Jefferson Elementary School at 1540 Fifth Avenue (0.4 miles away). Grandview Presbyterian Church is across from the Grandview Library.

As more fully described in Finding A, the project is not a likely source of harmful environmental, noise, or safety impacts to the community. The Police Department reviewed this project and reported it is located within census tract 3016.01 where the suggested limit for off-sale alcohol establishments is four. The applicant holds the only off-sale license in this tract, which permits the sale of alcohol for off-site consumption. Based on arrests and Part 1 crime statistics for census tract 3016.01 in 2017, there were 284 crimes, above the city wide average of 180. While this area has more crime than in many other areas of the city, it has a high concentration of large retail establishments (e.g., drug stores/pharmacies, supermarkets, etc.) and multi-family uses, which tend to have a higher crime rate compared to lower density residential and retail areas. In addition, this portion of south Glendale is within close proximity to the city's boundary limits between Glendale and Los Angeles. Within the last calendar year there were no calls for police service at the location. 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. Conditions include measures to help prevent any such potential impacts on the community from this project. 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 alcoholic beverages for off-site consumption at a retail food store with a light manufacturing/food processing component will not conflict with the adjacent land uses or impede the normal development of surrounding property. The properties on all four corners of the San Fernando Road and Sonora Avenue intersection are zoned “C3” and feature low-scale, commercial uses; the properties to the north are zoned “R-2250” (Medium Density Residential); the properties to the south are zoned “IND” (Industrial).

The proposal will not conflict with or negatively impact adjacent residential, commercial, or industrial uses. Conditions include measures to help prevent any such potential impacts on the community from this project. Given these facts, the use and its associated structures and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of the surrounding property. The applicant’s request to allow the sale of alcoholic beverages for off-site consumption at a retail food store with a light manufacturing/food processing component is supportable based on the facts surrounding this application and the findings.

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.

This proposed project does not include any new floor area or modifications to the existing site, which has been utilized since its construction in 1962. Adequate public and private facilities, such as utilities, landscaping, parking spaces, and circulation are provided for the use and are existing. Associated utilities exist within the public rights-of-way and are adequate to continue services to the site. The proposal is not anticipated to intensify parking demand. Consequently, no changes are proposed to the three (3) existing on-site parking spaces to the rear of the building that service patrons only, and there is street parking along San Fernando Road and Sonora Avenue. Therefore, the proposal will not require any new city services, or 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 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 based on the comments submitted by the City of Glendale Police Department.**

The sale of alcoholic beverages for off-site consumption that is incidental to the retail portion of the existing retail food store with a light manufacturing/food processing component at the existing site does not or will not tend to encourage or intensify crime within this reporting district as noted in the “Safety” section of Finding A, and in Finding B above.

- 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 the “Safety” section of Finding A, based on arrests and Part 1 crime statistics for census tract 3016.01 in 2017, there were 284 crimes, above the city wide average of 180. While this area has more crime than in many other areas of the city, it has a high concentration of large retail establishments (e.g., drug stores/pharmacies, supermarkets, etc.) and multi-family uses, which tend to have a higher crime rate compared to lower density residential and retail areas. In addition, this portion of south Glendale is within close proximity to the city’s boundary limits between Glendale and Los Angeles. However, within the last calendar year there were no calls for police service at the location. No evidence has been presented that would indicate that the continued sale of alcoholic beverages for off-site consumption at the retail portions of the retail food store with a light manufacturing/food processing component would encourage or intensify crime within the area. Suggested conditions of approval from the Police Department have been incorporated into the staff recommendation to ensure any potential negative impacts will be appropriately mitigated.
- 3) **That the existing or proposed use does not or will not adversely impact any other uses within the surrounding area (churches, public or private schools or colleges, day care facilities, public parks, libraries, hospitals, or residential uses).** As noted in finding C above, no public facilities are located in the immediate area. The closest public facilities are: Griffith Manor Park at 1551 Flower Street (0.4 miles away); Fire Station 27 at 1127 Western Avenue (0.6 miles away); Grandview Library at 1535 Fifth Avenue (0.4 miles away); and Thomas Jefferson Elementary School at 1540 Fifth Avenue (0.4 miles away). Grandview Presbyterian Church is across from the Grandview Library (0.4 miles away). As noted in finding B above, the properties to the north are zoned “R-2250” (Medium Density Residential). The nature of the proposed use will not impede the existing operations of the neighboring uses. Suggested conditions of approval made by the Police Department have been incorporated into the staff recommendations to ensure that 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 applicant’s request for an Administrative Use Permit to continue selling alcoholic beverages for off-site consumption is not anticipated to intensify parking demand. The project site has existing limited parking and a defined loading area in the rear parking lot, and there is street parking along San Fernando Road and Sonora Avenue. Furthermore, San Fernando Road is classified as a major arterial meant for the distribution of traffic among major traffic generators. The applicant’s proposal is not anticipated to intensify parking demand and will not require any changes to traffic circulation.

- 5) **That, notwithstanding consideration of the criteria in subsections 1 through 4 above, alcoholic beverage sales, service, and on-site consumption does serve a public convenience for the area.** The applicant's request to permit the continued sale of alcoholic beverages for off-site consumption at the retail portion of the retail food store with a light manufacturing/food processing component is consistent with the land use promoted in C3 (Commercial Service) Zones. This zone offers a full range of goods and services to the community located along commercial thoroughfares within the City. The General Plan calls for flexibility in the range and type of services provided in this zone. The proposal will augment the range of goods sold at this establishment and will serve a public necessity or convenience for the area. 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 and presented at the hearing except for any modifications as may be required to meet specific Code standards or other conditions stipulated herein to the satisfaction of the Planning Hearing Officer.
2. That all necessary licenses as required from Federal, the State Alcohol Beverage Control, County or City authorities including the City Clerk shall be obtained and kept current at all times.
3. Individual unit sales of alcoholic beverages should be restricted. No individual unit sales for beer should be allowed. No individual unit sales for wine less than a full sized bottle should be allowed. This can reduce the potential for individuals to buy one or two units and walk outside to consume them on or near the premise.
4. 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.
5. Appropriately lighting for the display areas where alcoholic beverages would be sold should be required.
6. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.
7. That any expansion or modification of the facility or use which intensifies the existing Administrative Use Permit shall require a new Administrative Use Permit application. Expansion shall constitute adding retail floor area, increased hours of operation, changes to the use or operation, or any physical changes as determined by the Planning Hearing Officer, with concurrence by the Director of Community Development.
8. That no exterior signs advertising the sales of alcoholic beverages be permitted.

9. That the off-site sale of alcoholic beverages shall be incidental to the main use as a retail food store with a light manufacturing/food processing component.
10. That the sale of alcoholic beverages be restricted to no later than 10:00 pm.
11. That the store should provide training for its personnel regarding sales to minors or intoxicated persons. Alcohol Beverage Control staff is available and can provide this training.
12. That signs be posted clearly specifying no sales to minors or intoxicated persons.
13. That store display racks be positioned such that they are in a clear line of sight by management and staff with no restricting view and that they be appropriately lit.
14. That service of alcoholic beverages shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control.
15. The Manager and or Staff should be proactive in the enforcement of the City of Glendale Clean Air Act.
16. That access to the premises shall be made available upon request to all City of Glendale authorized staff (i.e. Community Development Department, Neighborhood Services Section, Building and Safety Division, Fire Department, Police Department, etc.) for the purpose of verifying compliance with all laws and the conditions of this approval.
17. That the authorization granted herein shall be valid for a period of **TEN (10) YEARS, UNTIL OCTOBER 23, 2028,** at which time, reapplication must be made.

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 7, 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, Betty Barberena at (818) 937-8162 or bbarberena@glendaleca.gov.

Sincerely,
Philip Lanzafame
Director of Community Development



Laura Stotler
Planning Hearing Officer

LS:BB: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 – Betty Barberena.