



CITY OF GLENDALE, CALIFORNIA

Community Development
Planning

633 E. Broadway, Suite 103
Glendale, CA 91206-4311
Tel. (818) 548-2140 Fax (818) 240-0392
glendaleca.gov

January 17, 2024

Adnan Ayoub and Fairuz Ennabe-Ayoub
(Shell Gas Station)
825 North Central Avenue
Glendale, CA 91203

**RE: 825 North Central Avenue
(Shell Gas Station)
ADMINISTRATIVE USE PERMIT NO. PAUP-001156-2023**

Dear Applicant:

Pursuant to the provisions of the Glendale Municipal Code (GMC), Title 30, Chapter 30.49, the Community Development Department has processed your application for an Administrative Use Permit (AUP) to allow continued sales of Beer and Wine at an existing 1,850 square-foot Shell Gas Station mini market (ABC License Type 20) located at 825 North Central Avenue, in the "C2II" -Community Commercial Zone, described as Portions of Lots 131, 132 and 133, Pioneer Investment and Trust Company's Glendale Place Tract /APN: 5636-013-046, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

- 1) The sale of alcoholic beverages requires and Administrative Use Permit in the C2 zone (Section 30.12.020, Table 30.12-A).

APPLICANT'S PROPOSAL

- 1) To allow the continued on-site sales of alcoholic beverages at an existing gas station mini market.

ENVIRONMENTAL DETERMINATION

The project is exempt from CEQA review as a Class 1 "Existing Facilities" exemption, pursuant to Section 15301 of the State CEQA Guidelines because the proposed addition will not result in an increase of more than fifty percent of the floor area of the structures before the addition.

REQUIRED/MANDATED FINDINGS

After considering the evidence presented with respect to this application, the plans submitted therewith, the Community Development has **GRANTED WITH CONDITIONS**, your application based on the following findings:

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

The continued sale of beer and wine at an existing gas station (Type 20) is consistent with the elements and objectives of the General Plan. The subject site is located within the "C2 II" Community Commercial Zone, and the General Plan Land Use Element designation as a Commercial Service.

The subject site is located within a commercial area, surrounded by other commercial uses. The Land Use Element is the most directly related to the approval of this use and the other elements of the General Plan, including the Open Space, Recreation, Housing, and Noise Elements, will not be impacted because of the applicant's request. This application does not include any added floor area or modifications to the existing building, therefore, there will be no increase in the required parking for the use.

The Circulation Element identifies North Central Avenue as a Major Arterial and Arden Avenue as an Urban Collector. Both Central and Arden Avenues can adequately handle the existing traffic circulation around the site. The project site is surrounded by commercial uses and the applicant's request to continue to allow the on-site sale of beer and wine beverages is not anticipated to create any negative traffic related impacts on these streets and the surrounding uses over and above the existing conditions.

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 will not be detrimental to the health, safety, and public welfare of the neighborhood in general. The existing gas station mini market has been selling beer and wine since 1996 with the approval of a conditional use permit (9487-CU). Other Conditional Use Permits have been approved since then. The most recent approval was in 2013 (PCUP-1236349). According to the Glendale Police Department, the subject property is located in Census Tract 3018.01 which allows for three off-sale establishments. Currently, there are 5 off sale licenses in this tract. Based on Part 1 crime statistics for this Census Tract, there were 180 crimes in 2021, 8 percent above the citywide average of 167. Within the last calendar year, there were 6 calls for police service at the location.

However, out of the six calls, only one call was for "public intoxication" (Under California Penal Code Section 647(f) PC. Currently, Shell has an "active" Type 20 liquor license (off-Sale Beer and Wine) liquor license, 2000 C Store, license #317849 per ABC website as noted by the Glendale Police Department. The Glendale Police Department did not cite any concerns with the applicant's request to allow the existing gas station to continue selling beer and wine at this location and suggested conditions of approval have been included to mitigate any potential negative impacts.

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 continue the on-site sales of beer and wine will be detrimental to the community or adversely conflict with the community's normal development of surrounding properties, as conditioned. There are several churches nearby. Incarnation Elementary School and Church is within the immediate area of the subject property on Glenoaks Boulevard between Central Avenue and Brand Boulevard (0.2 miles). The Central Avenue Church is located at the southwest corner of Central Avenue and Burchett Street (0.08 miles). The Church of Jesus Christ of Latter-day Saints is located at the northwest corner of Central Avenue and Dryden Street (0.4 miles). The Armenian Apostolic Church of Glendale (Western Diocese of the Armenian Church of North America) is located at the northwest corner of Central and Fairview Avenue (0.2 miles). Salem Lutheran Church and School is located at the northwest corner of Brand Blvd and Dryden (0.5 miles). While these facilities and uses are within close proximity, given their orientation in relation to the subject property and the nature of sales only of beer and wine, it is not anticipated that the applicant's request will impede their existing operations. The incidental sale of beer and wine at a mini market is not anticipated to cause any conflicts with surrounding development in the future and will not adversely impact existing facilities, property values, or developments within the surrounding area. The applicant is not proposing to make any modifications to the buildings or to the site. There were no concerns or comments submitted by the Police Department or Neighborhood Services Division that would indicate that the approval to continue a Type 20 beer and wine license for the existing gas station mini market would have a negative impact on the surrounding area, and the proposed conditions of approval will serve to mitigate any potential negative impacts on the surrounding properties.

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.

The applicant's Administrative Use Permit request for the continued sale of beer and wine will not require any new city services, nor will it require any changes to the landscaping, parking or traffic circulation. The gas station was built in 1969 and had a mini market as part of the gas station operation.

The current uses at the location will be serviced with utilities for water, electricity, sewer, and trash. For the current request, the ability to sell beer and wine at the gas station will remain a complementary use and is not anticipated to increase the need for public or private facilities. No changes are anticipated for the parking demand, as the request does not propose to add additional floor area to the building. The surrounding neighborhood is also developed with adequate public and private facilities and infrastructure. The Circulation Element identifies Central Avenue as a major arterial and Arden Avenue as an urban collector. These streets are fully developed and can adequately handle the existing traffic circulation around the site.

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 (E) 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 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 (ABC), 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 described in Finding B above.
2. That where the existing use is located in a crime reporting district with a crime rate which is 8 percent above the citywide average of 167 for Part I crimes, as reported by the Glendale Police Department, such use does not or will not tend to encourage or intensify crime within the district because conditions of approval have been included in the approval of this application to ensure that any potential negative impacts will be appropriately mitigated, as described in Finding B above.
3. That the existing use does not or 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 described in Finding C above.
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 as described in Finding D above.

5. That notwithstanding consideration in subsections 1 through 4 above, the existing mini market with the sale of beer and wine for on-site sale does serve a public convenience for the area because it serves 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 permits shall be obtained from the Building and Safety Division and all construction shall be in compliance with the Glendale Building Code and all other applicable regulations.
3. 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.
4. 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 floor area, increased hours of operation, changes to the use or operation, or any physical change as determined by the Director of Community Development.
5. That at all times when the premises are open for business, the service of any alcoholic beverage shall be made only in the areas designated with an Alcoholic Beverage Control (ABC) license.
6. That the proprietor and his/her employees shall make an active and conscientious effort to keep customers and employees from trespassing on other nearby properties or otherwise making disturbances in the area.
7. That the hours of off-site alcohol sales shall be limited to 6:00 a.m. to 12:00 a.m. each day of the week.
8. That the sale of alcohol shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control.

9. That no exterior signs advertising the sales/service of alcoholic beverages shall be permitted, banners shall be prohibited, and all signs displayed shall conform to the requirements of the Glendale Municipal Code.
10. That if there are any graffiti on the property, it shall be removed in a timely manner.
11. That all delivery operations shall not disturb occupants of adjacent properties.
12. That signs shall be posted specifying that there are no alcoholic beverage sales to minors or intoxicated persons.
13. That the sale of alcoholic beverages for consumption on the premises is strictly prohibited.
14. That all of the conditions listed in the Police Department Interdepartmental Communication dated October 20, 2023 shall be complied with.
15. That the gas station, mini-market, and self-service car wash shall adhere to the City's Fresh Air Ordinance, Title 8, Chapter 8.52 of the Glendale Municipal Code.
16. That access to the premises shall be made available to all City of Glendale's authorized staff (i.e. Community Development Department, Police Department, and Fire Department) for the purpose of verifying compliance with all laws and conditions of this approval.

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 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 (**January 31, 2024**) following the actual date of the decision.

All appeals must be filed using the City's online permit portal: www.glendaleca.gov/Permits. Create an account, click "Apply," type "appeal" in the search bar, and apply for "Appeal of Planning Decision." Any appeal must be filed within fifteen (15) days following the actual date of the decision with the prescribed fee prior to the expiration of the 15-day appeal period, on or before January 31, 2024.

Information regarding appeals and appeals and fees may be obtained by calling the Community Development Department staff at 818.548.2115, or contacting the case planner, Shoghig Yepremian at syepremian@glendaleca.gov or 818-937-8135.

GMC CHAPTER 30.41 PROVIDES FOR

TERMINATION

Every right or privilege authorized by an Administrative Exception 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.

CESSATION

An Administrative Exception may be terminated by the review authority upon any interruption or cessation of the use permitted by the Administrative Exception for one year or more in the continuous exercise in good faith of such right and privilege.

EXTENSION

Permits granted by such right or privilege 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 exception.

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 sold, 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

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over administrative exceptions. To consider the revocation, the Director of Community Development shall hold a public hearing after giving notice by the same procedure as for consideration of a variance at least 10 days' notice by mail to the applicant or permittee.

NOTICE – subsequent contacts with this office

The Applicant is further advised that all subsequent contacts with this office regarding this determination must be with the Case Planner first and then, the Hearing Officer who acted on this case. 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.

You may contact the case planner, Shoghig Yepremian at (818) 937-8185/or via e-mail at syepremian@glendaleca.gov.

Sincerely,
Bradley Calvert
Director of Community Development



Dennis Joe
Planning Hearing Officer

DJ:SY:as

CC: City Attorney's Dept. (G. Van Muyden/ M. Yun & Y. Neukian); City Clerk (K. Cortes); Building and Safety (C. Leung and A. Sargsyan); Neighborhood Services (J. Sada); Design Review & Historic (J. Platt); Economic Develop. (M. Berry); Housing (P. Zovak / M. Fortney & A. Brownell); Urban Design and Mobility F. Zohrevand (For VMT Analysis); Community Services and Parks (T. Aleksanian/ A. Limayo); Information Services (G. Arnold); Fire Engineering -(J. Diaz/ D. Stimson & S. Partamian); Glendale Water & Power-Water Section (S. Boghosian/E. Hakoupiani & K. Runzer) -Electric Section (C. Babakhanlou/ S. Boghosian & E. Hakoupiani (H. Barkhordian and D. Scorza Alternates); Police Dept. (Lt. A. Krikorian & Z. Avila); Engineering and Land Development (A. Avazian/ S. Oganessian & R. Villaluna); Traffic & Transportation Section (P. Casanova/S. Roudsari); Integrated Waste (D. Hardgrove); Maintenance Services/Street and Field / Urban Forester (L. Klick / C. Linares & O. Urquidez); Facilities (City projects) – K. Todd; and Case planner Shoghig Yepremian

OTHERS:

State ABC – Patricia Halpin (Patricia. Halpin@abc.ca.gov)