

August 18, 2016

Jasawant Rathaur
508 West Broadway
Glendale, CA 91204

RE: 508 WEST BROADWAY
ADMINISTRATIVE USE PERMIT CASE NO. PAUP 1611948
(Broadway Mart & Deli)

Dear Mr. Rathaur:

Pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.49, the Community Development Department processed your application for an Administrative Use Permit (AUP) to allow the continued sales of alcoholic beverages for off-site consumption at an existing retail establishment (Broadway Mart & Deli), located at **508 West Broadway**, in the "SFMU" - (Commercial/Residential Mixed Use) Zone, described as portion of Lots 1, 2 and 3, Block V, Glendale Valley View Tract in the City of Glendale, in the County of Los Angeles.

CODE REQUIRES

Administrative Use Permit

- 1) Alcoholic beverage sales for off-site consumption require an Administrative Use Permit in the SFMU Commercial/Residential Mixed Use Zone.

APPLICANT'S PROPOSAL

Administrative Use Permit

- 2) An Administrative Use Permit to allow alcoholic beverage sales for off-site consumption at an existing retail establishment (Broadway Mart & Deli).

ENVIRONMENTAL DETERMINATION

The project is categorically exempt from CEQA review as a Class 1 Existing Facilities exemption pursuant to State CEQA Guidelines Section 15301.

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 FINDINGS

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 existing retail establishment will be consistent with the elements and objectives of the General Plan. The zoning land use designation for the subject site is SFMU (Commercial/Residential Mixed Use), and the General Plan Land Use Element designation is Mixed Use. The purpose of the Mixed Use Development areas are to allow a compatible mix of commercial, industrial and residential land uses, or just (stand alone) commercial, industrial or residential land uses in various combinations, depending on the specific zoning districts designation. The SFMU zoning district allows for a mix of commercial and residential activities on specific lots that front Broadway. The subject site is bounded by a mixed use commercial/residential development (currently under construction) to the north, multi-family residential to the south, the First Evangelical Church to the west and general commercial to the east. The continued sales of alcoholic beverages for off-site consumption is appropriate for the subject location, as it complements commercial activity along West Broadway and serves a public convenience to the multi-family residences along Pacific Avenue to purchase alcoholic beverages for off-site consumption.

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 an existing retail establishment will not be detrimental to the safety and public welfare of the neighborhood. Broadway Mart & Deli is located in census tract 3023.01, where two off-sale establishments are the recommended limit. There are currently four off-sale establishments in this tract, which Broadway Mart & Deli is one of the existing four off-sale establishments. Based on Part 1 crime statistics for this census tract, there were 1,124 crimes, 531 percent above the citywide average of 178. While this census tract has more crime than in many other areas of the city, it consists of a high concentration of retail, restaurants and general commercial activities within the Galleria, which may partially explain the higher crime rate, rather than lower density residential areas, which typify much of the city. Within the last calendar year, three calls for service were received by the Police Department for the subject market. None of the calls were related to alcohol beverage sales. Comments received by the Police Department indicate this proposal is not anticipated to create any major concerns for law enforcement. Furthermore, recommended conditions of approval would ensure that crime would not be intensified.

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 sales of alcoholic beverages for off-site consumption at the subject retail establishment will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property. Adjoining to the subject property are a mixed use commercial/residential development that is currently under construction to the north across West Broadway, multi-family residential to the south, the First Evangelical Church to the west and general commercial to the east across South Pacific Avenue. Identified approximately 1,000 feet to the west along West Broadway is Royal Palms Convalescent Hospital. No public or private schools or colleges, day care facilities, public parks, or libraries have been identified within the immediate proximity of 1,000 feet. Impacts to the identified multi-family residences, convalescent hospital and church are believed to be less than significant, as a retail establishment (market) use has operated at the subject site for the past several decades without any significant incidents on record.

A retail establishment has operated at the subject tenant space for the past 52 years. Since 1994, Broadway Mart & Deli has been selling beer and wine for off-site consumption. And since 2011, the subject market has been selling alcoholic beverages (Type 21) for off-site consumption. City records do not indicate the sales of alcoholic beverages at the site had generated issues in the past. Broadway Mart & Deli does not propose to increase the floor area of the tenant space or enhance the business operation. The recommended conditions will ensure the ancillary service of alcoholic beverages for off-site consumption will not conflict with any nearby uses. Section 30.64.020 of the Glendale Municipal Code 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 at the subject site. The applicant proposes to continue the sale of alcoholic beverages for off-site consumption at an existing commercial building and does not include any expanded floor area or intensification to the existing operation of its alcoholic beverage sales. The project site was developed in 1964 with adequate utilities, landscaping and parking spaces. West Broadway and South Pacific Avenue are identified as minor arterial streets in the city's Circulation Element and can adequately handle the existing traffic circulation adjacent to 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 such use does not or will not tend to intensify or otherwise contribute to the adverse impacts on the surrounding area caused by over concentration as described above in finding B.
- 2) That such use does not or will not tend to encourage or intensify crime within the district as described above in finding B.
- 3) That such 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 above in findings B and C.
- 4) That the proposed use satisfies its transportation or parking needs as described above in finding D.
- 5) That, notwithstanding consideration of the criteria in subsections 1 through 4 above, alcoholic beverage sales for off-site consumption serves a public convenience for the area. The applicant's request for the off-site sales of alcoholic beverages at an existing retail establishment serves a public convenience 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 business 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 Section 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 no exterior signs advertising the sales of alcoholic beverages be permitted.
6. That a sign shall be posted on the interior of the establishment in a location clearly visible to customers giving notice that the consumption of alcoholic beverages on the premises is prohibited.
7. 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.
8. That signs should be posted clearly specifying no sales to minors or intoxicated persons.
9. 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.
10. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.
11. That adequate means shall be provided for the collection of solid waste generated at the site and that all recyclable items shall be collected and properly disposed of to the satisfaction of the Integrated Waste Management Administrator of the City of Glendale. No trash containers shall be stored in any parking, driveway, or landscaping area.
12. That the market shall maintain a variety of goods available for sale, in addition to alcoholic beverages.
13. That the premises shall be operated in full accord with applicable State, County, and local laws.
14. That access to the premises shall be made available to all City of Glendale Planning and Neighborhood Services Division, Police Department, and Fire Department staff upon request for the purpose of verifying compliance with all laws and conditions of this approval.
15. That authorization granted herein shall be valid for a period of **10 YEARS UNTIL AUGUST 18, 2026.**

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 **SEPTEMBER 2, 2016**, at the Permit Services Center (PSC), 633 East Broadway, Room 101, Monday thru Friday 7:00 am 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 of the Glendale Municipal Code, 1995, provides for the Director of Community Development to have continuing jurisdiction over any Administrative Use Permit which is or has been granted and may revoke any Administrative Use Permit in whole or in part at any time for failure to comply with any condition or requirement imposed at the time of approval.

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 and 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.

Sincerely,
Phillip Lanzafame
Director of Community Development



Bradley Collin
Planning Hearing Officer

BC:DJ:sm

Cc: City Clerk (K.Cruz); Police Dept. (Lt.S.Bickle/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section- (J.Halpert); Dir. Of Public Works (R.Golanian); Traffic & Transportation Section (W. Ko/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 (J. Jouharian,); Integrated Waste Management Admin. (D. Hartwell); Maintenance Services Section Admin. (D. Hardgrove); Street and Field Services Admin.; Environmental Management (M. Oillataguerra); and case planner -Dennis Joe.