



April 6, 2017

Armag Petro, Inc.
C/o Permit Processing & Consulting, LLC
639 West Broadway
Glendale, CA 91204

**RE: 1041 WEST KENNETH ROAD
ADMINISTRATIVE USE PERMIT NO. PAUP 1625068
(SHELL GAS STATION)**

Dear Sir/Madam:

On March 8, 2017, the Planning Hearing Officer conducted and closed a public hearing, 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 sale of alcoholic beverages (Type 21) for off-site consumption at an existing gas station/food mart, located at **1041 West Kenneth Road**, in the "C1"- Neighborhood Commercial Zone, described as Portion of Lot A, Jones and Valentine Tract, in the City of Glendale, County of Los Angeles.

After considering the evidence presented with respect to this application, the Planning Hearing Officer has **APPROVED WITH CONDITIONS** your request based on the following findings:

CODE REQUIRES

- (1) The sale of alcoholic beverages for off-site consumption requires an Administrative Use Permit in the "C1"- Neighborhood Commercial Zone.

APPLICANT'S PROPOSAL

- (1) To allow the sale of alcoholic beverages for off-site consumption at an existing gas station/food mart.

ENVIRONMENTAL DETERMINATION

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

REQUIRED FINDINGS

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 alcoholic beverages (Type 21) for off-site consumption at an existing gas station and retail store ("Shell") will be consistent with the elements and objectives of the General Plan. The subject site is located in the C1 (Neighborhood Commercial) zone, and the General Plan Land Use Element designation is Neighborhood Commercial. Goods and services that are offered in this zone generally attract clientele from the adjoining residential neighborhoods. The sale of alcoholic beverages for off-site consumption at this location is appropriate in an area of the city zoned for commercial uses, and will continue to provide an option for the community to purchase alcoholic beverages for off-site consumption. Retail and service uses are permitted in the C1 (Neighborhood Commercial) zone, and are consistent with the Neighborhood Commercial land use designation. The Circulation Element identifies West Kenneth Road and Grandview Avenue as community collector streets that are fully developed and can adequately handle the existing traffic circulation around the site. These streets serve the adjacent residential neighborhoods in the area and the Kenneth Village shopping area where the subject site is located. The Kenneth Village shopping area features retail and service uses adjacent to single-family residential properties. The project site is already developed and the applicant's request is only to allow the off-site sales of alcoholic beverages at the existing gas station and retail store. 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 alcoholic beverages for off-site consumption is not anticipated to create any negative traffic-related impacts on West Kenneth Road and Grandview Avenue over and above the existing conditions as the proposal is an ancillary service to the retail store and gas station. This application does not include any added floor area or modifications to the existing building; therefore there will be no increase in the demand for parking.

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 the existing gas station and retail 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 3013 where the suggested limit for off-sale alcohol establishments is one. Currently, there is zero off-sale establishments located in Census Tract 3013, and the applicant's request would be the first off-sale license in this tract. The ancillary sale of alcoholic beverages for off-site consumption in conjunction with a gas station and retail 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 28 crimes reported in this tract, which is 84% below the citywide average of 178. Within the last calendar year there was one call for police service at this location. According to the GPD, the call was received on August 15, 2016, and was a false alarm which did not result in a report being taken. 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. In addition, no evidence has been presented that would indicate that the incidental sale of alcoholic beverages for off-site consumption at the existing gas station and retail store would encourage or intensify crime within the district.

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 alcoholic beverages for off-site consumption at an existing gas station and retail store will be detrimental to the community or adversely conflict with the community's normal development. The subject site was developed with a gas station with retail store and auto repair shop in 1959. The applicant obtained approval of an Administrative Exception to allow the retail store to expand into the vehicle repair garage. Since 2016, "Shell" has operated at this location as a gas station and retail store without any major incident. The gas station and retail store are open seven days a week, 24 hours a day. Their request to allow the sale of alcoholic beverages for off-site consumption is not anticipated to adversely conflict with surrounding properties as it is ancillary to the primary gas station and retail store use, and no consumption is permitted on-site. The subject property is located in the Kenneth Village shopping area with complementary retail and service uses adjacent to the site, as well as residential development.

There are two churches located within the immediate area of the subject site: New Life Christian Church located at 1020 West Kenneth Road (171 feet to the east), and Saint Kevork Armenian Church located at 1434 West Kenneth Road (0.1 miles to the west). While these churches are located in the immediate area, the applicant's request is not anticipated to negatively impact these uses as the alcoholic beverage sales is for off-site consumption only, and no on-site consumption is permitted. In addition, there is one park and three public schools located in the vicinity: Brand Library and Park, located at 1601 West Mountain Street (0.5 miles to the north), Mark Keppel Elementary School located at 730 Glenwood Road (1 mile to the southeast), Eleanor J. Toll Middle School located at 700 Glenwood Road (1 mile to the southeast), and Herbert Hoover High School located at 651 Glenwood Road (1 mile to the southeast). While these facilities and uses are within the vicinity, it is not anticipated that any negative impacts to these uses would occur based on the applicant's request to allow retail sales of alcoholic beverages for off-site consumption.

The Circulation Element identifies West Kenneth Road and Grandview Avenue as community collector streets that are fully developed and can adequately handle the existing traffic circulation around the site. These streets serve the adjacent residential neighborhoods in the area and the Kenneth Village shopping area where the subject site is located. The applicant's request to sell alcoholic beverages for off-site consumption is not anticipated to create any negative traffic-related impacts on West Kenneth Road and Grandview Avenue over and above the existing conditions as the proposal is an ancillary service to the existing retail store and gas station.

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. The applicant's request is only to allow the off-site sales of alcoholic beverages at an existing gas station and retail store, and no expansion to the existing buildings or gas pumps is proposed. Associated utilities exist within the public rights-of-way and are adequate to continue service to the building. The project site was originally developed in 1959 with a gas station, and a commercial building with a retail store and vehicle repair shop. The project site features one handicap parking stall in addition to the temporary parking provided for vehicles located at the fuel pumps beneath the two canopies. There is no additional parking provided on-site, and in accordance with GMC 30.32, the addition of alcoholic beverage sales for off-site consumption at the existing gas station and retail store does not require additional parking. The parking demand is not anticipated to intensify with the applicant's request to allow for retail sales of alcoholic beverages for off-site consumption beyond the existing conditions. The applicant's AUP request for alcoholic beverage sales will not require any new city services, nor will it require any 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 30.42.030 (F) 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 proposed use is not located in a census tract that exceeds the recommended maximum concentration of

off-site uses. As discussed in Finding B, the applicant's request to allow the sale of alcoholic beverages for off-site consumption at an existing gas station and retail store, "Shell", does not, or will not, tend to encourage or intensify crime within this reporting district. According to the Glendale Police Department, the "Shell" gas station is located in Census Tract 3013 where the suggested limit for off-sale alcohol establishments is one. Currently, there is zero off-sale establishments located in Census Tract 3013, and the applicant's request would be the first off-sale license in this tract. As such, there would not be an over concentration of off-site licenses in this census tract. The Glendale Police Department has suggested conditions of approval, which have been incorporated to mitigate any potential negative impacts in the neighborhood.

- 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 because conditions have been included in the approval of this application to ensure that any potential negative impacts will be appropriately mitigated. The proposed use is not located in a crime reporting district with a crime rate that exceeds 20 percent of the city average. As discussed in Finding B, based on Part 1 crime statistics for Census Tract 3013, there were 28 crimes reported in this tract, which is 84% below the citywide average of 178. Within the last calendar year there was one call for police service at this location. According to the Glendale Police Department, the call came in on August 15, 2016, and was a false alarm; therefore, the call did not result in a report being taken. Suggested conditions made by the Police Department have been incorporated to ensure that any potential negative impacts will be appropriately mitigated. In addition, no evidence has been presented that would indicate that the sale of alcoholic beverages for off-site consumption at the existing gas station and retail store would encourage or intensify crime within the district.
- 3) That the existing or proposed use does not or will not adversely impact any other uses within the surrounding area (church, public or private school or college, day care facility, public park, library, hospital or residential use). As described in finding C above, there are two churches located within the immediate area (500' radius) of the subject site. In addition, while outside the immediate neighborhood, Brand Library and Park, and three schools are located in the vicinity of the subject site. The Glendale Police Department suggested conditions of approval that have been incorporated to ensure there are no negative impacts. It is not anticipated that any negative impacts to these uses would occur because the applicant's request is to allow only the incidental retail sales of alcoholic beverages for off-site consumption, and no on-site consumption is permitted.
- 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 noted in Findings C and D above, the applicant's request is not anticipated to increase the need for public or private facilities. The ancillary service of alcoholic beverage sales for off-site consumption at the existing "Shell" gas station and retail store is not anticipated to intensify traffic circulation or parking demand above the existing conditions. The project site was originally developed in 1959 with a gas station, and a commercial building with a retail store and vehicle repair shop. The project site features one handicap parking stall, in addition to the temporary parking provided for vehicles located at the fuel pumps beneath the two canopies. There is no additional parking provided on-site, and in accordance with GMC 30.32, the addition of alcoholic beverage sales for off-site consumption at the existing gas station and retail store does not require additional parking. The subject property is fully developed and adequate parking, utilities, landscaping are existing and provided for, and the applicant's request does not include any expansion to the existing building or gas pumps.

- 5) That, notwithstanding consideration of the criteria in subsections 1 through 4 above, alcoholic beverage sales for off-site consumption does serve a public convenience for the area. The applicant's request to add the sale of alcoholic beverages for off-site consumption to their primary gas station and retail use does serve a public convenience because it will serve local residents, businesses, and the surrounding neighborhood. Additionally, as noted above, this census tract currently has no establishments selling alcohol and the suggested limit is one. Therefore, this request serves the public convenience need and further, without an over concentration. 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 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 Hearing Officer.
2. That all necessary licenses, permits as required, or approvals from Federal, State, County or City authorities including the City Clerk shall be obtained and kept current at all times.
3. That sufficient measures shall be enforced to effectively eliminate interior and exterior loitering, parking congestion, disturbing noise, disturbing light, loud conversation and criminal activities.

4. That the sale of alcoholic beverages for off-site consumption shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control.
5. That no exterior signs advertising the sales of alcoholic beverages be permitted.
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 floor area, increased hours of operation, changes to the use or operation, or any physical change as determined by the Planning Hearing Officer with concurrence by the Community Development Director.
8. That the off-site sale of alcoholic beverages shall be incidental to the main use as a gas station and retail establishment and that the sale of alcoholic beverages for consumption on the premises is strictly prohibited.
9. That signs indicating no loitering or trespassing should be posted.
10. That the sale of alcoholic beverages be restricted to avoid late night sales and only be permitted between the hours of 10:00 a.m. to no later than 11:00 p.m. each day of the week.
11. That the store provide training for its personnel regarding sales to minors or intoxicated persons. Alcoholic Beverage Control staff is available and can provide this training.
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 any alcoholic beverage on the property, adjacent properties or otherwise making disturbances in the area.
13. That the Manager and/or Staff should be proactive in the enforcement of the City of Glendale Fresh Air Ordinance.
14. That signs be posted clearly specifying no sales to minors or intoxicated persons.
15. That individual unit sales of alcoholic beverages be restricted. No individual unit sales for beer 12 ounces or less will be allowed.
16. 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.

17. 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 Administrator of the City of Glendale. No trash containers shall be stored in any parking, driveway, or landscaping area.
18. That access to the premises shall be made available to all City of Glendale Community Development Department, Neighborhood Services Division, Police Department, and Fire Department staff upon request for the purpose of verifying compliance with all laws and the conditions of this approval.
19. That the authorization granted herein shall be valid for a period of **FIVE (5) YEARS UNTIL APRIL 6, 2022**, at which time, a 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 **APRIL 21, 2017**, 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 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.

You may contact the case planner, Vista Ezzati, during normal business hours at (818) 937-8180 or via e-mail at vezzati@glendaleca.gov.

Sincerely,



Kristen Asp
Planning Hearing Officer

KA:VE:sm

CC: City Clerk (K.Cruz); Police Dept. (S.Bickle/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(J.Halpert); 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 (R.Seda/J.Jouharian); 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 all who spoke at the hearing and sent emails; and case planner Vista Ezzati.