



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

July 14, 2020

Trader Joe's Company
c/o Flaherty and O'Hara, PC
610 Smithfield Street, Suite 300
Pittsburgh, PA 15222

Revised on July 22, 2020
Appeal deadline remains July 29, 2020

**RE: 2462 HONOLULU AVENUE
ADMINISTRATIVE USE PERMIT CASE NO. PAUP 2004445
(TRADER JOE'S COMPANY)**

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 (ABC License Type 21) at an existing grocery store, located at 2462 Honolulu Avenue, in the "CR" – Commercial Retail Zone, described as Lots 311,312 and 313, Parcel Map 904/5611-001-904, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

(1) The sale of alcoholic beverages requires an Administrative Use Permit in the "CR" Zone (Chapter 30.12.020, Table 30.12.-A)

APPLICANT'S PROPOSAL

(1) To allow the sale of alcoholic beverages for off-site consumption at an existing grocery store.

ENVIRONMENTAL DETERMINATION

The project is exempt from CEQA review as a Class 1 "Existing Facilities" exemption, pursuant to State CEQA Guidelines Section 15301(e), because the discretionary permit request is to allow for the renewal of off-site sales of alcoholic beverages at an existing grocery store within an existing commercial space and there is no added floor area 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 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 existing use will be consistent with the various elements and objectives of the general plan.

The sale of alcoholic beverages for off-site consumption within the existing retail grocery store will be consistent with the various elements and objectives of the general plan. The project site is located within the Commercial Retail (CR) zone.

The General Plan Land Use designation for this site is North Glendale Community Plan – Town Center which provides commercial services to both Crescenta Valley residents and a broader retail market area. This district features a major shopping center, the Montrose Shopping Park which provides: community serving retail and services along Honolulu Avenue, a major traffic arterial; and a neighborhood convenience shopping center in or adjacent to the neighborhood served. The applicant's request to sell alcoholic beverages for off-site consumption at an existing retail grocery store will be in keeping with the goals of the area to promote business and pedestrian-friendly commercial uses. The sale of alcoholic beverages for off-site consumption within the existing retail grocery store at this location is appropriate in an area of the city zoned for commercial uses.

The Land Use Element is most directly related to the approval of this use. All other elements of the General Plan, including Open Space, Recreation, and Housing Elements, will not be impacted as a result of the applicant's request. The project site is fully developed and has not been slated for open space or recreation. The existing sale of alcoholic beverages for off-site consumption at the existing retail grocery store is consistent with the Noise Element and is not anticipated to increase the existing noise levels beyond the current conditions. This application does not include any new floor area or modifications to the existing building, and adequate utilities, landscaping, and traffic circulation measures are already provided.

The Circulation Element identifies Honolulu Avenue as an urban collector. The street is fully developed and has proven to adequately handle the existing traffic circulation around the site. The applicant's request to sell alcoholic beverages for off-site consumption is not anticipated to create any negative traffic-related impacts along Honolulu Avenue.

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 operation of retail grocery store with the sale of alcoholic beverages for off-site consumption will not be detrimental to the health, safety and public welfare of the neighborhood in general.

According to the Glendale Police Department, the property is located in Census Tract 3006 which allows for four off-sale licenses. Currently, there are six off-sale establishments in this tract and Trader Joe's is one of the existing six. Based on Part One crime statistics for Census Tract 3006 in 2019, there were 182 crimes, 9% above the city wide average of 167. Within the last year there were numerous calls for police service at the location. None of the calls were directly related to alcohol sales. Per the ABC website, Trader Joe's has an active Type 21 liquor license (Off-Sale General). The Glendale Police Department suggested conditions of approval have been added to this approval to ensure that there are no negative impacts to the public health, safety, 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 sale of alcoholic beverages for off-site consumption at the existing retail grocery store, "Trader Joe's," will not adversely conflict with adjacent uses or impede the normal development of surrounding property, as conditioned. The applicant's request to sell alcoholic beverages for off-site consumption would not conflict with adjacent and surrounding land uses and in fact, this type of use is encouraged in this area. The existing retail grocery store will not impede normal development within the surrounding area, since the project site is already fully developed; the use should not impede any redevelopment of Honolulu Avenue, given the proposed administrative use permit is a renewal for the sale of alcoholic beverages for off-site consumption at an existing retail grocery store.

It is not anticipated that the sale of alcoholic beverages for off-site consumption within the existing retail grocery store, "Trader Joe's," will be detrimental to the community or adversely conflict with the community's normal development. The applicant's request to allow the sale of alcoholic beverages for off-site consumption within the existing retail grocery store is not anticipated to adversely conflict with surrounding properties or adjacent uses as it will be ancillary to the primary use. The subject property is surrounded by other complementary businesses, including retail and service uses in the vicinity.

There are two public facilities within the immediate area of the subject site: Montrose Christian Montessori school located at 2545 Honolulu Avenue (0.1 miles to the west), and Armenian Sisters Academy located at 2361 Florencita Avenue (0.2 miles to the northeast). While these facilities and uses are within close proximity, the applicant's request will not impede the operation of or conflict with such land uses. There are no known churches, private or public school or colleges, day care facilities or hospitals within the immediate area of the existing retail grocery store. While nearby, the project is conditioned to ensure the operation will be in compliance with all applicable federal, state, and local laws. The applicant's request to allow the sale of alcoholic beverages for off-site consumption within the existing retail grocery store is not anticipated to adversely impact other neighboring uses in this area.

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 proposed use and are existing. The project site is already developed as are the associated facilities. There are a total of 60 parking spaces available on-site for the use. Access to the parking area is taken from existing driveways located off Honolulu Avenue. The parking demand is not anticipated to intensify based on the applicant's request for a renewal to allow the sales of alcoholic beverages for off-site consumption at the existing retail grocery store. The Circulation Element identifies Honolulu Avenue as an urban collector. These streets are fully developed and have proven to adequately handle the existing traffic circulation around the site. The applicant's Administrative Use Permit request 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 ADMINISTRATIVE USE PERMIT 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, 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 or proposed use is located in a crime reporting district with a crime rate which exceeds 20 percent of the city average 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 or proposed 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 noted 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 operation of a retail grocery store with the sale of alcoholic beverages for off-site consumption 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 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.
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 the sale of alcoholic beverages for consumption on the premises is strictly prohibited.
6. That no exterior signs advertising the sales of alcoholic beverages be permitted.
7. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash and graffiti.
8. 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, changes to the use or operation, or any physical change as determined by the Planning Hearing Officer with concurrence by the Director of Community Development.
9. That the off-site sale of alcoholic beverages shall be incidental to the main use retail grocery store and that the sale of alcoholic beverages for consumption on the premises is strictly prohibited.

10. That the business shall provide training for its personnel regarding sales to minors or intoxicated persons. Alcoholic Beverage Control staff is available and can provide this training.
11. That signs shall be posted clearly specifying no sales to minors or intoxicated persons.
12. That signs indicating no loitering or trespassing should be posted.
13. 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 beverages on the property, adjacent properties or otherwise making disturbances in the area.
14. 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.
15. That the business shall adhere to the City's Fresh Air Ordinance, Title 15, Chapter 8.52 of the Glendale Municipal Code.
16. That the business shall be operated in full accord with applicable State, County, and local laws.
17. 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.

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.

Due to the current COVID-19 social distancing and work from home orders issued by federal, state and local governmental agencies, in order for any appeal to be considered timely, **the appeal must be postmarked by the JULY 29, 2020 deadline (mailed to Community Development Department – Planning Division, Attention: Ani Garibyan, 633 East Broadway, Room 103, Glendale, CA 91206) OR emailed to the case planner (Ani Garibyan at agaribyan@glendaleca.gov) prior to the close of said business day.** The prescribed fee must be included along with the appeal application and may be submitted either in the form of a check or credit card payment. For credit card payment, please contact the case planner to make arrangements with the cashier. Note: The standard 2.5% fee for credit card payment applies.

APPEAL FORMS available on-line:

<https://www.glendaleca.gov/home/showdocument?id=11926>

If you have any questions, please do not hesitate to call me at (818) 937-8188 (email: agaribyan@glendaleca.gov)

Anyone wishing to appeal must contact the case planner to obtain forms and information regarding the appeal process and submittal.

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 administrative use permits. 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 30.41 PROVIDES FOR

TERMINATION

Every right or privilege authorized by an Administrative Use Permit shall terminate two 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 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.

EXTENSION

Permits granted by such right or privilege may be requested one time and extended for up to a maximum of one 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 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.

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.

Should you have any questions regarding this issue, please do not hesitate to contact the case planner, Ani Garibyan during normal business hours at her direct line (818) 937-8188 or agaribyani@glendaleca.gov, between 8:30 a.m. to 5:30 p.m. weekdays.

Sincerely,
Philip Lanzafame
Director of Community Development



Erik Krause
Planning Hearing Officer
EK:AG:sm

cc: City Clerk (K.Cruz); Police Dept. (J.Newton/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(J.Halpert); Traffic & Transportation Section (P.Casanova/Mark Bueno-Traffic Engineer Assoc.); General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (G. Tom/S. Boghosian/R.Takidin/C.Babakhanlou/D.Scorza); Glendale Water & Power--Electric Section (B. B.Ortiz/E.Olsen/ M.Navareete/M.Kouassi); 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); Street and Field Services Admin.; Engineering and Environmental Management (C.Chew/R. Villaluna); and case planner – Ani Garibyan.