

# ATTACHMENT E

## ZHO Addendum for Condition Use Permit #6816

April 26, 2021

On February 17, 2021, I disapproved CUP# 6816 (1827 East Villa Street).

I have reviewed the appeal filed by the applicant (Sukhraj Kaur), and I hereby offer the following comments:

The appeal states that “The disapproval of the application was based on factors that unfairly limits the growth and development, within the spirit of the law”. The appellant referred to Findings and provided a challenge to each finding.

The staff report prepared for this project included a thorough discussion, analysis, and consideration of potential findings for disapproval. In particular, staff noted (Page 3) that the alcohol establishment is in close proximity to existing sensitive uses (i.e. single-family and multi-family developments, schools, a park, and multiple religious facilities), and it has the potential to create problems such as loitering, public drunkenness, noise, littering and other negative impacts.

In addition, staff noted (Page 4) that the sale of full line of alcohol for off-site consumption at the proposed site would negatively impact the general welfare of the surrounding property owners, would result in an undesirable concentration of premises that sell alcohol, would aggravate existing alcohol-related problems and that the “public convenience or necessity” findings cannot be made to approve the proposed Conditional Use Permit. The findings (Pages 7-9) conclude—properly, in my opinion—that multiple findings for the Conditional Use Permit, cannot be made in the affirmative.

In contrast to the staff report, the appeal suggests that the project has met the necessary findings to warrant approval of this project. The appeal provides no evidence or facts in support of this declaration. I would note, further, that no such evidence, nor facts in support of making the findings, was presented at the public hearing I conducted on February 17<sup>th</sup>.

In the absence of well-documented, substantiated findings for the Conditional Use Permit, the appellant has not provided basis to grant the appeal. The appeal should, therefore, be denied, and my original decision (disapproval) should be sustained.