glendale california
City of Glendale
Community Development
Planning & Neighborhood Services

633 E. Broadway, Room 103
Glendale, CA 91206-4311
Tel 818.548.2140 Tel 818.548.2115
Fax 818.240.0392 ci.glendale.ca.us

July 21, 2015

Liz Zaninovich
Beverages & More, Inc. (BevMo!)
1401 Willow Pass Road, Suite 900
Concord, CA 94520

RE: ADMINISTRATIVE USE PERMIT
Case NO. PAUP 1500280
200 South Brand Boulevard (BevMo!)

Dear Ms. Zaninovich:

Pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30., the Community Development Department processed your application for an administrative use permit (AUP) to continue the sales of beer, wine and distilled spirits for off premise consumption and on-site wine and beer tastings, and to allow the addition of on-site spirit tastings, as well as extend the hours of operation at the existing BevMo! retail store located at **200 South Brand Boulevard**, in the Downtown Specific Plan (DSP), Maryland District, described as the west 79.51 feet of Lots 1 and 2, Block 62, Campbell and Thompsons Tract.

CODE REQUIRES

1) On-site sale, service and consumption of alcoholic beverages require an administrative use permit in the Downtown Specific Plan (DSP), Maryland District.

APPLICANT'S PROPOSAL

1) An administrative use permit (AUP) to continue the sales of beer, wine and distilled spirits for off premise consumption and on-site wine and beer tastings, and to allow the addition of on-site spirit tastings, as well as extend the hours of operation at the existing BevMo! retail store

ENVIRIONMENTAL RECOMMENDATION

Categorically Exempt. The project is exempt from CEQA review as 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 Department 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 land use designation of the site is Downtown Specific Plan (DSP) – Maryland District, which is comprised of a mix of commercial establishments, including, but not limited to retail/services, offices, restaurants, and entertainment uses. BevMo! is a retail business that has sold beer, wine, and assorted spirits as well as selected food items and glass/stemware at this location since 2010. As a way to educate consumers on the products the store offers, BevMo! conducts in-store tastings of select items throughout the year. Given the mix of commercial-related uses in the immediate area and the underlying zoning designation of the property, the continued use is consistent with the Land Use Element and objectives of the General Plan. Given that the retail use is existing and the administrative use permit application requests the continuation of off-site sales of alcohol and the addition of distilled spirits to their existing tastings of wine and beer at an existing retail location, other elements of the General Plan, including the Open Space, Recreation, Housing and Noise Elements, will not be impacted as a result of the project.

The DSP identifies Brand Boulevard as a Signature street and as a Pedestrian Priority/Transit street. East Harvard is a Pedestrian Priority street. Primary pedestrian streets give first priority to creating excellent conditions for pedestrians and are important on primary retail and transit corridors characterized with wide sidewalks and fine streetscapes. The Circulation Element identifies Brand Boulevard as a major arterial street. Both streets are fully developed and adequately handle the existing traffic circulation.

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.

BevMo! is a retail business that has sold beer, wine, assorted spirits, select food items and glass/stemware, as well as conducted in-store tastings of beer and wine at this location since 2010. The store is proposing to operate in the same manner with the addition of spirit tastings and the extension of store hours by one hour each night. Based on the current operation of the store and conditions of approval it is not anticipated that these changes will be detrimental to the public health or safety, the general welfare, or the environment.

BevMo! is located in census tract 3022.01, which allows for three on-sale establishments and two off-sale establishments. BevMo! is one of 25 existing on-sale and 5 off-sale establishments that have licenses to sell alcohol in this census tract. Although located in a census tract with over the recommended maximum concentration, the project site is located in downtown Glendale, where a concentration of restaurants (which often serve alcohol) and bars is encouraged to create an 18-hour City environment. Based on Part 1 crime statistics for this census tract in 2014, there were 225 crimes which are 30.5 percent above the citywide average of 173. While this area has more crime than in many other areas of the city, BevMo! has demonstrated its responsible sale of alcoholic beverage by adhering to the following company policies:

- Prohibiting of the sale of cigarettes and products of abuse (such as 40 oz. of malt liquor, and low-priced screw-top fortified wines.
- Prohibiting of the use of video or pinball games, sale of pornographic videos and magazines, pay telephones, lottery tickets, newspaper stands and other items that would encourage loitering or minors patronizing the store.
- Posting and maintenance of signs stating "No Loitering", "No Public Drinking of Alcoholic Beverages", and "Stop you must be 21 to enter unless accompanied by an adult".
- Carding anyone who appears to be under the age of 50, and using ID scanning equipment at all registers.

- Requiring all persons who enter the store to be over the age of 21, unless accompanied by an adult, and prohibiting anyone under the age of 21 in the tasting area.
- Only employing persons over the age of 21.

Neither the Glendale Police Department nor Neighborhood Services Division cited concerns related to this administrative use permit application. Recommended conditions of approval will 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.

BevMo! is a retail use located at a ground-level occupancy of a commercial building at the southeast corner of Brand Boulevard and East Harvard Street. This building has been used for retail sales for over 93 years, since its construction in 1922. The store is located adjacent to major retail, restaurant and commercial uses such as the Galleria, the Town Center and the Maryland Arts and Entertainment District. These areas are shopping and dining destinations that draw customers from the surrounding community and cities. The sale and consumption of alcoholic beverages do not conflict with the adjacent and surroundings land uses and, in fact, this type of use is encouraged in this area. It is considered a retail use, similar to many uses in the area. Furthermore, BevMo! will not impede the normal development within the surrounding area, since it is already fully developed and should not impede in any redevelopment of Brand Boulevard, given the proposed administrative use permit only requests to continue alcohol sales generally in the same manner.

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 subject site is fully developed with parking and all utility systems are in place. Seven parking spaces are available to store visitors to the rear of the building. There are 11 additional parking spaces dedicated for the second floor office tenants that will be available for store patrons after-hours and on weekends when the offices are closed. The existing parking lot located at the rear was modified to meet ADA requirements for a handicap stall and the parking lot landscaping was enhanced with landscaped planters in 2010. The City recently completed the Brand Boulevard Central Park Passageway. This project created a landscaped pedestrian sidewalk to link the Central Library and Park to Brand Boulevard. In addition, the project added additional landscaping and parking spaces in the City parking lot adjacent to BevMo!'s parking lot. The existing building is located on an existing fully improved street with adequate traffic capacity and no additional traffic is anticipated.

Although there are a number of public facilities that are located within walking distance of the proposed business, including the Glendale Public Library (Central Library), Glendale Presbyterian church, Glendale Central Park, as well as residential condominiums and apartments, the proposed use is not anticipated to adversely impact them because the proposed use is not a convenience store or a bar and is consistent with the current retail use. Furthermore, the store fronts a commercial thoroughfare and targets shoppers and pedestrians on Brand Boulevard.

REQUIRED ADDITIONAL FINDINGS OF FACT FOR AN AUP FOR ALCOHOL SALES, SERVICE AND CONSUMPTION:

That all the following criteria (set forth in Section 30.49.030) have been met and thoroughly considered in making the findings in subsection a. through d. above:

1) That such use will not tend to intensify or otherwise contribute to the adverse impacts on the surrounding area caused by over concentration.

2) That such use will not tend to encourage or intensify crime within the district.

3) That such use 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).

4) That the proposed use satisfies its transportation or parking needs as described above because adequate access, parking and delivery spaces are available to serve this use.

5) That the proposed use will serve a public necessity or public convenience purpose for the area.

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 as required from Federal, State, County or City authorities including the City Clerk shall be obtained and kept current at all times.

4. That at all times when the premises are open for business, the sales and service of any alcoholic beverage shall be made only in the areas designated with an ABC license. Consumption of alcoholic beverages will only be on those same licensed areas.

5. That the sales and service of alcoholic beverages shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control.

6. That the hours and sales of alcoholic beverages shall be restricted to 9:00 a.m. – 11:00 p.m. seven days a week.

7. That all instructional tasting events shall be in accord with the Type 42 and Type 86 License standards set forth by the State of Department of Alcoholic Beverage Control.

8. That no patron to the business establishment will be allowed to bring into the establishment or maintain in the establishment, any alcoholic beverage unless that

alcoholic beverage was purchased within the establishment, unless the facility has an established corkage policy allowing and regulating such.

9. That the BevMo! retail location shall remain open to the public during business hours as a liquor store as defined in Chapter 30.70 of the Glendale Municipal Code (G.M.C).

10. That the existing retail use shall adhere to the City's Fresh Air (smoking) Ordinance, Title 15, Chapter 8.52 of the Glendale Municipal Code.

11. That the facilities shall not be rented, leased or otherwise occupied for purposes not specified.

12. 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 from the Director of Community Development.

13. That no exterior signs advertising specific brands and prices of alcoholic beverages be permitted.

14. That no live entertainment shall be allowed.

15. That all music, lighting, noise and odors shall be confined to the occupancy so as not to disturb occupants of other adjacent residences and businesses or properties and patrons on the public right-of-way. The Planning Hearing Officer's opinion shall prevail to arbitrate any conflicts.

16. That access to the premises shall be made available upon request to all City of Glendale authorized staff (i.e. Community Development Department, Planning and Neighborhood Services Division, Building and Safety Division, Fire Department, Police Department, etc.) for the purpose of verifying compliance with all laws and the conditions of this approval.

17. That a Business Registration Certificate shall be obtained and issued for a liquor store with off-site sales of beer, wine and distilled spirits, and to allow wine, beer, and distilled spirit tastings in a separated, age restricted area located at the ground floor of an existing commercial building.

18. 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. Signs should be posted clearly specifying no sales to minors or intoxicated persons.

19. That the proprietor and his/her employees shall make an active and conscientious effort to keep customers and employees from trespassing, loitering, or consuming an alcoholic beverage on the property, adjacent properties or otherwise making disturbances in the area.

20. That authorization granted herein shall be valid for a period of 10 years until ***July 21, 2025.***

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 **August 5, 2015** at the Permit Services Center (PSC), 633 East Broadway, Room 101, Monday thru Friday 7:00 am to 12:00 pm, or at the Community Development Department (CDD), 633 East Broadway, Room 103, Monday thru Friday 12:00 pm to 5 pm.

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.

REVOCATION, CONTINUING JURISDICTION

Section 30.16.610 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 a conditional 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.

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, ***Kathy Duarte***, who can be reached direction at *(818-937-8163)* or via email *(kduarte@glendaleca.gov)*. 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
Interim Director of Community Development

Vilia Zemaitaitis, Senior Planner

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-(D.Nickles); 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 (A. Jimenez); Integrated Waste Management Admin. (D. Hartwell); Maintenance Services Section Admin. (D. Hardgrove); Street and Field Services Admin.; Environmental Management (M. Oillataguerra); Sean Briski & Gayle Burns Briski-owners; Ingrid Wilcox; and case planner Kathy Duarte.