glendale california

City of Glendale
Community Development Department
Planning Division

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November 2, 2016

Armine Asatryan
Haypost USA Corp.
9111 Morning Glow Way
Sun Valley, CA 91352

RE: 124 NORTH BRAND BOULEVARD
ADMINISTRATIVE USE PERMIT NO. PAUP 1620708
(Haypost USA Corp.)

Dear Ms. Asatryan:

Pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.49, the Community Development Department processed your application for Administrative Use Permit No. PAUP1620708 to allow the sales of beer and wine for off-site consumption at a retail business in the "DSP/M" - (Downtown Specific Plan/Maryland) District, located at **124 North Brand Boulevard,** described as a Portion of Lots 5, 6 and 7, Block1, Glendale Blvd. Tract in the City of Glendale, in the County of Los Angeles.

CODE REQUIRES

Administrative Use Permit

1) Sales of alcoholic beverages for off-site consumption requires an administrative use permit in the DSP/M (Downtown Specific Plan/Maryland) District.

APPLICANT'S PROPOSAL

Administrative Use Permit

1) An administrative use permit to allow the off-site site sales of beer and wine at a retail business.

ENVIRONMENTAL DETERMINATION

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

REQUIRED/MANDATED FINDINGS

After thorough consideration of the statements contained in the application, the plans submitted therewith, the above analysis by Community Development Department staff, and any comments received from the public with respect to this application, the Director of Community Development has **APPROVED WITH CONDITIONS** your Administrative Use Permit application based on the following:

A. That the proposed use will be consistent with the various elements and objectives of the general plan.

The off-site sales of beer and wine at the existing retail type use will be consistent with the elements and objectives of the General Plan. The subject site is located within the Downtown Specific Plan/Maryland (DSP/M) District and designated as Downtown Specific Plan in the General Plan – Land Use Element. Retail and Personal Service type uses and the off-site sales of alcoholic beverages are consistent with the elements and objectives of the General Plan. One of the purposes of this designation is to encourage the location of a wide range of activities to maintain a dynamic environment. A personal service use with retail component, enables the creation and enhancement of the environment desired in the DSP. Further, this type of use on the ground floor is consistent with the intent of the DSP to have service, restaurants and pedestrian-oriented activities on the ground floor. The off-site sales of alcoholic beverages is an appropriate ancillary use for this type of business and will further assist in making downtown Glendale a dynamic destination with a unique service type use in the Downtown area. 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. No private or public improvements are required as a result of the AUP request.

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.

Residential uses exist nearby but do not abut the subject site. Any redevelopment of nearby properties should not be impacted given that the proposed off-site sales of alcoholic beverages is a conditionally permitted use, through the approval of an administrative use permit (AUP) in the DSP and ancillary to the primary use. Given the commercial nature of the area, the sales of beer and wine for off-site consumption at the existing business would not adversely impact surrounding uses in the area. There are multi-family residences located on Brand Boulevard northwest of the project site at the corner of Brand and Central. However, the proposed request to sell alcoholic beverages for off-site consumption would not result in any significant impacts to the existing residential uses due to the proposed conditions that would be imposed on the requested AUP.

The proposed off-site sale of alcoholic beverages at an existing personal services use with incidental retail sales and its associated structures and facilities would not be detrimental to the public health or safety, the general welfare, or the environment. The operation of a personal service use offering off-site sales of alcoholic beverages will not present negative impacts. The area surrounding the use is home to a variety of commercial establishments including other retail/services, restaurants, and offices. Further, there are similar existing uses in the existing vicinity that have an alcohol beverage component that have proven not to have a detrimental effect on surrounding uses. The current general operation of the business will continue to offer mailing, packaging, etc. The AUP is requested for the ancillary service of offering off-site sale of imported beer and wine.

According to the Glendale Police Department, Haypost USA Corp., is located within census tract 3020.02, where two off-sale establishments is the recommended limit. There are currently five off-sale establishments in this tract. While there is a slight over concentration

of alcohol service in this census tract, the proposed off-site sales of alcoholic beverages at Haypost USA Corp. is unlikely to cause significant issues of public drunkenness or other alcohol-related crimes. Alcohol-related crimes are the principal target of the analysis of over-concentration and therefore, exceedance of the suggested limit does not raise concerns despite this project's location.

Based on Part 1 crime statistics for census tract 3020.02 in 2015, there were 348 crimes, 95 percent above the city wide average of 178. However, within the last calendar year, there were no calls for police service at the location. While this area has significantly more crimes than many other areas of the city, it may be attributed to the high concentration of retail uses, entertainment uses and nearby shopping malls in the area. As noted above, it is unlikely that the proposed request for off-site sales of alcoholic beverages at the existing business will pose or increase crime in the area above the existing conditions. The Glendale Police Department did not cite concerns related to this administrative use permit and particularly the number of establishments serving alcohol or the amount of crime.

C. That the use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property.

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 sales of alcoholic beverages for off-site consumption will be detrimental to existing on-site uses or nearby residential uses. As previously stated, the sale of beer and wine for off-site consumption at Haypost USA Corp. will be an ancillary to the primary use.

The area surrounding the subject site along Brand Boulevard is home to a variety of commercial establishments including retail/services, restaurants, and offices. There are similar existing uses in the vicinity that have an alcohol beverage component. These similar uses have not had a significant detrimental effect on surrounding uses. There are similar uses along Brand Boulevard, e.g. retail food stores, liquor stores, restaurants, etc., which have an alcoholic beverage component (on or off-site consumption) and have not proven disruptive to the residential uses on or off-site. Furthermore, the recommended conditions of approval will ensure that the sale of beer and wine at Haypost USA Corp. will not become nuisances nor be detrimental to the public. The existing use does not and will not offer alcoholic beverages for on-site consumption.

Haypost USA Corp. is a specialty store, which offers but not limited to mailing, shipping, importing, exporting, and retail sales of imported goods. Consequently, the request for an AUP is related to the off-site sales of alcoholic beverages imported from Armenia. Some of these imported goods including beer and wine will be displayed and sold in the store for customers to purchase. The business operating hours are and will remain Monday through Saturday 8:00 a.m. to 8:00 p.m. and Sunday 11:00 a.m. to 5:00 p.m.

The closest public facility to the proposed project is Central Park (Adult Recreation Center and Central Library) southeast of the subject site. The closest churches are located

approximately 0.3 miles east of the subject site, on the northwest corner of Wilson Avenue and Louise Street and on Kenwood and Louise streets. In addition, a public school, Allan Daily High School, is located approximately 0.4 miles east of the subject site on Wilson Avenue. While there are mixed use developments located nearby, the off-site sale of beer and wine at the existing business will be ancillary to the primary personal service use. Haypost USA Corp., is a personal service use that includes a specialty store, which will offer the retail sales of beer and wine imported from Armenia for off-site consumption only, and therefore is not expected to adversely affect or conflict with the adjacent uses.

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 applicant's request to sell beer and wine for off-site consumption at this business will not result in inadequate public or private facilities. The project site is already developed and associated facilities are in place. Glendale Water and Power did not cite any concerns related to providing service to the project. While there are no on-site parking spaces, the proposed addition of alcohol sales to the existing 1,980 square-foot personal service use will not require additional parking per zoning regulations under section 30.32.030. Further, the project does not involve a floor area expansion. On-street parking spaces are available along Brand Boulevard. Notwithstanding, the AUP request to allow the sales of beer and wine for off-site consumption will not result in inadequate parking.

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 will not tend to intensify or otherwise contribute to the adverse impacts on the surrounding area caused by over concentration. The Glendale Police Department noted no concerns with this proposal.

2) That such use will not tend to encourage or intensify crime within the district. No evidence has been presented which would indicate that the applicant's request to offer the sales of alcoholic beverages for off-site consumption in this location would 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). The closest public facility to the proposed project is Central Park (Adult Recreation Center and Central Library) southeast of the subject site. While there are churches in the neighborhood, the project, as proposed, will not impede the operation of such uses. The closest churches are located approximately 0.3 miles east of the subject site, on the northwest corner of Wilson Avenue and Louise Street and on Kenwood and Louise Streets. In addition, a public school, Allan Daily High School, is located approximately 0.4 miles east of the subject site on Wilson Avenue.

   While there are mixed use developments located nearby, the off-site sales of alcoholic beverages at the existing business will be an ancillary service to the primary use, a personal services business. Haypost USA Corp., is a specialty store, which will offer the retail sales

of alcoholic beverages imported from Armenia for off-site consumption only. While these facilities and residential uses exist nearby, the sale of alcoholic beverages for off-site consumption would not adversely impact any of these or other surrounding uses. Additionally, the project is conditioned to ensure that off-site alcoholic beverage sales are in compliance with all municipal codes and state law.

4) That the use satisfies its transportation or parking needs as described above because the addition of alcohol sales to the existing personal service use will not require additional parking per zoning regulations under section 30.32.030. In addition, the project does not involve expanding the existing floor area. There are on-street parking spaces along Brand Boulevard.

5) That the use will serve a public necessity or public convenience purpose for the area as evidenced by the demand for retail food establishments or similar uses with an alcoholic beverages component to sell alcoholic beverages for off-site consumption in the Downtown are along Brand Boulevard

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

3. That the off-site sale of beer and wine shall be ancillary to the main use as an existing mailing and shipping business.

4. That the sale of beer and wine shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control.

5. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.

6. 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.

7. The sale of beer and wine for consumption on the premises is strictly prohibited.

8. That access to the premises shall be made available to all City of Glendale Planning Division, 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.

9. That no exterior signs advertising the sales of alcoholic beverages shall be permitted.

10. That any expansion or modification of the facility or use which intensifies this 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 Director of Community Development.

11. That the operating hours of the business shall be from 8:00 a.m. to 8:00 p.m. Monday through Saturday and Sunday 11:00 a.m. to 5:00 p.m.

12. That a Business Registration Certificate be obtained for the operation of a retail use, which includes a condition regarding AUP Case PAUP 1620708.

13. That authorization granted herein shall be valid for a period of **5 YEARS UNTIL NOVEMBER 2, 2021.**

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 **November 17, 2016**, 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 5:00 p.m.

APPEAL FORMS available on-line: http://www.glendaleca.gov/appeals

To save you time and a trip - please note that some of our FORMS are available on line and may be downloaded. AGENDAS and other NOTICES are also posted on our website. Visit us.

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 variances, administrative use permits, and conditional use permits (individual cases heard and decided upon by the Planning Hearing Officer).

To consider the revocation, the Planning Hearing Officer shall hold a public hearing after giving notice by the same procedure as for consideration of an administrative 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 (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, 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, Milca Toledo at (818) 937-8181 or mtoledo@glendaleca.gov.

Sincerely,
Phil Lanzafame
Director of Community Development

Erik Krause
Interim Deputy Director of Community Development

PL:EK:MT: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 (S. Mirzaians); 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); Patrick Panzarello Consulting Services; and case planner-Milca Toledo