glendale california

City of Glendale
Community Development Department
Planning Division

633 E. Broadway, Room 103
Glendale, CA 91206-4386
Tel (818) 548-2140 or (818) 548-2115
Fax (818) 240-0392 www.glendaleca.gov

January 18, 2018

Andrew Rodriquez
444 East Huntington Drive, Suite 208
Arcadia CA, 91202

RE: **825 WEST GLENOAKS BOULEVARD**
ADMINISTRATIVE USE PERMIT NO. PAUP 1721578
(Mission Liquor)

Dear Mr. Rodriguez:

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 (AUP) to allow on-site instructional tastings of a full line of alcoholic beverages in conjunction with the operation of an existing liquor store (Type 86), and renewal for off-site sales of alcoholic beverages (Type 21), located at **825 West Glenoaks Boulevard**, in the "C2" – Community Commercial Zone - (District I), described as Portions of Lots 9,10,11, Block 11 of Tract No. 8419 and Portions of Lot 36, Tract No. 6042, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

(1) The on-site instructional tastings of a full line of alcoholic beverages and off-site sales of alcoholic beverages requires an Administrative Use Permit in the C2 – Community Commercial Zone.

APPLICANT'S PROPOSAL

(1) To allow on-site instructional tastings of a full line of alcoholic beverages and off-site sales of alcoholic beverages at an existing liquor store.

ENVIRONMENTAL DETERMINATION

The project is exempt from CEQA review as Class 1 "Existing Facilities" exemption pursuant to State CEQA Guidelines Section 15301, because the discretionary permit request is to continue alcohol sales at an existing liquor store.

REQUIRED/MANDATED FINDINGS

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the analysis by Community Development Department staff, this Administrative Use Permit application is **APPROVED WITH CONDITIONS** based on the following:

.
.

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

The subject site is located in the "C2" - Community Commercial Zone and the General Plan Land Use Element designation is Community Services. Goods and services that are offered in this zone generally attract clientele from the adjoining residential neighborhoods. On-site instructional tastings of a full line of alcoholic beverages in conjunction with the off-site sale of alcoholic beverages at an existing liquor store is appropriate in an area of the city zoned for commercial uses and will provide an option for the public to taste and purchase alcoholic beverages.

The continued on-site instructional tastings of a full line of alcoholic beverages in conjunction with the off-site sale of alcoholic beverages at an existing liquor store will be consistent with the elements and objectives of the General Plan. The land use designation of the site is Community Services where retail services along a major arterial, such as West Glenoaks Boulevard, are desired. The project site is already developed and the applicant's request is to continue on-site instructional tasting and off-site sale of alcoholic beverages at the existing liquor store. Commercial and residential uses surround the project site but are not affected by the use because there have not been any complaints in the past regarding alcohol. Therefore, other elements of the General Plan, including Open Space, Recreation, Housing, and Noise Elements, will not be impacted as a result of the applicant's request. This application does not include any added floor area or modifications to the existing building; therefore, there will be no increase in required parking for the use. Adequate utilities, landscaping, and traffic circulation measures are already provided. The Circulation Element identifies West Glenoaks Boulevard as a major arterial. The liquor store has been operating since 2008 and can adequately handle the existing traffic circulation around the site.

The applicant's request to allow on-site instructional tastings of a full line of alcoholic beverages in conjunction with the operation of an existing liquor store is not anticipated to create any negative traffic-related impacts on West Glenoaks Boulevard or other businesses over and above the existing conditions.

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.

According to the Glendale Police Department, the subject property is located in Census Tract 3012.06 where the suggested limit for off-sale alcohol establishments is three and on-sale is five. Currently, there are five off-sale and three on-sale establishments located in this tract and "Mission Liquor" holds one of the on-sale and one of the off-sale licenses. Based on Part 1 crime statistics for the Census Tract, there were 71 crimes in 2016, 37% below the citywide average of 194. Within the last calendar year, there were three calls for police service at the existing liquor store, however, none of the calls were directly related to alcoholic beverages. The Police Department has reviewed the applicant's request and, based on the nature of the business, the clientele, and the business' track record, has expressed no concerns about the project. However, the Police Department has recommended conditions intended to further protect and safeguard residents, businesses, and surrounding properties.

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

There are two public facilities within the immediate area of the subject site. Toll Middle School and Mark Keppel Elementary School, which are approximately 0.3 mile away. These facilities are located within residential neighborhoods and do not front Glenoaks Boulevard, which is a commercial thoroughfare. While these public institutions are located nearby, the low-intensity nature of the on-site consumption (tastings) of alcoholic beverages would not negatively impact these facilities in the way that other establishments like a tavern, bar, or nightclub would. The off-site sale of alcoholic beverages has proven to not adversely conflict with nearby uses since 2008 and will continue to provide an option for the public to purchase alcoholic beverages.

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 continued on-site instructional tastings of a full line of alcoholic beverages in conjunction with the off-site sale of alcoholic beverages at an existing liquor store will not result in inadequate public or private facilities. The project site is already developed and associated facilities are existing. The existing liquor store, "Mission Liquor", has been operating at this location since 2008. The property is legal non-conforming in terms of parking and landscaping. The existing on-site parking has proven to meet the parking demand of the liquor store and has not resulted in conflicts with nearby businesses or residential development. West Glenoaks Boulevard, as identified in the Circulation Element, is a fully developed major arterial and can adequately handle the existing traffic circulation adjacent to the site.

REQUIRED ADDITIONAL FINDINGS OF FACT FOR AN ADMINISTRATIVE USE PERMIT (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 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 alcoholic beverages at the liquor store site does not, or will not, tend to encourage or intensify crime within this reporting district as noted 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 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. As noted in Finding B above, the crime rate in Census Tract 3012.06 is at 37% below the city average for Part 1 crimes. In addition, no evidence has been presented that would indicate that the continued on-

site instructional tastings of a full line of alcoholic beverages in conjunction with the off-site sale of alcoholic beverages at the subject site 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 (churches, public or private schools or colleges, day care facilities, public parks, libraries, hospitals, or residential uses). As noted in Finding C above, there are two public facilities within the immediate area of the project site. While this facility is within close proximity, the applicant's request will not impede the operation of such uses since they are not directly adjacent to the liquor store.

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 beverages at the existing liquor store, "Mission Liquor" is not anticipated to intensify traffic circulation or parking demand. The site is fully developed and adequate parking and loading facilities are currently provided.

5) That, notwithstanding consideration of the criteria in subsections 1 through 4 above, alcoholic beverage sales, service, and on-site consumption and off-site sales does serve a public convenience for the area. The applicant's request to allow the continued on-site instructional tastings of a full line of alcoholic beverages in conjunction with the off-site sale of alcoholic beverages at an existing liquor store does serve a public convenience 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

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

4. 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.

5. That no customers shall be allowed to bring into the establishment any alcoholic beverages that were purchased from outside of the establishment.

6. That the liquor store shall remain open to the public during business hours.

7. That the liquor store shall adhere to the City's Fresh Air Ordinance, Title 8, Chapter 8.52 of the Glendale Municipal Code.

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

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

10. That the proprietor and his/her employees shall make an active and conscientious effort to keep customers and employees from trespassing on other nearby properties or otherwise making disturbances in the area.

11. 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.

12. That the front and back doors to the establishment shall be kept closed at all times while the location is open for business, except in case of emergency.

13. That no exterior signs advertising the service of alcoholic beverages shall be permitted.

14. That all signs displayed shall conform to the requirements of the Glendale Municipal Code.

15. That there shall be no video machine(s) maintained on the premises.

16. That access to the premises shall be made available to all City of Glendale Planning and 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.

17. That the sale, service, and consumption of alcoholic beverages shall be permitted only between the hours of 11:00 a.m. to 2:00 a.m. each day of the week.

18. That a Business Registration Certificate shall be applied for and issued for a liquor store with on-site instructional tastings of a full line of alcoholic beverages subject to the findings and conditions outlined in this decision letter.

19. That authorization granted herein shall be valid for a period of 10 years until ***JANUARY 18, 2028.***

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 City Council 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 **February 2, 2018,** 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.

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 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 30.4 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, 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, Danny Manasserian at (818) 937-8159 or dmanasserian@glendaleca.gov

Sincerely,
Philip Lanzafame
Director of Community Development

Roger Kiesel
Planning Hearing Officer
RK:DM: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 (P.Casanova); General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (G. Tom/S. Boghosian/R.Takidin); Glendale Water & Power--Electric Section (B. Alshanti/B.Ortiz/E.Olsen); 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/J.Cawn); Street and Field Services Admin.; Engineering and Environmental Management (C.Chew/R. Villaluna); and case planner – Danny Manasserian.