glendale california

City of Glendale
Community Development Department
Planning Division

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March 5, 2018

Henrik Gholichian
1122 E. California Avenue #101
Glendale, CA 91206

RE: ADMINISTRATIVE USE PERMIT CASE NO. PAUP 1729592
3930 FOOTHILL BOULEVARD
"Regal Wine & Spirits"

Dear Mr. Gholichian:

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 operation of a liquor store, which includes the sale of alcoholic beverages for off-site consumption in the "CH" – Commercial Hillside Zone, located at **3930 Foothill Boulevard,** described as Parcel B, Parcel Map No. GLN 1349, in the City of Glendale, County of Los Angeles.

CODE REQUIRES
(1) The operation of a liquor store requires an Administrative Use Permit in the CH- Commercial Hillside Zone.

APPLICANT'S PROPOSAL
(1) To allow the operation of a liquor store which includes the sale of alcoholic beverages for off-site consumption (ABC License Type 21).

ENVIRONMENTAL RECOMMENDATION
The project is exempt from CEQA review as a Class 1 "Existing Facilities" exemption, pursuant to State CEQA Guidelines Section 15301, because the discretionary permit request is to allow the operation of a liquor store with the sale of alcoholic beverages for off-site consumption in an existing commercial tenant space.

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

The subject site is located in the CH Zone and the General Plan Land Use Element designation is Community Services. Goods and services offered in this zone generally attract clientele from the adjoining residential neighborhoods as well as the surrounding community. The operation of a liquor store which will include the sale of alcoholic beverages for off-site consumption at this location is appropriate in an area of the city zoned for commercial uses and will provide an option for the public to purchase alcoholic beverages for off-site consumption.

The operation of a liquor store with the sales of alcoholic beverages for off-site consumption 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 major arterials, such as Foothill Boulevard, are desired. The project site is developed with an approximately 78,660 square-foot, multi-tenant commercial building. The other uses on-site include: retail, office, and service uses. The abutting properties include commercial uses: a pre-school and a private school. 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, or for new housing. The proposal to allow the operation of a liquor store is consistent with the Noise Element and is not anticipated to increase the existing noise levels above and beyond the current conditions. This application does not include any new 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.

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 a liquor store with the sales 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 subject property is located in Census Tract 3004, where the suggested limit for off-sale alcohol establishments is three. Currently, there is one off-sale establishment license located in this tract, and the applicant's request for "Regal Wine & Spirits" would be the second license in this tract. Based on Part 1 crime statistics for this census tract, there were 141 crimes in 2016, which is below the citywide average of 194. Within the last calendar year, there were no calls for police service at this location. The Police Department has suggested conditions of approval that have been included in the staff recommendation, 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.

It is not anticipated that the operation of a liquor store with the sales of alcoholic beverages for off-site consumption will be detrimental to the community or adversely conflict with the

community's normal development. The project site is developed with an approximately 78,660 square-foot, multi-tenant commercial building. The other uses on-site include: retail, office, and service uses.

There is one pre-school, one private school, and one church located within the immediate area of the subject site: First Steps Pre-school, located at 3950 Foothill Boulevard (approximately 292 feet to the west), Chamlian Armenian School, located at 4444 Lowell Avenue (0.2 miles to the south), and Los Angeles Christian Church, located at 4459 Lowell Avenue (0.2 miles to the southwest). While these facilities and uses are within close proximity, given their orientation in relation to the subject property, it is not anticipated that any negative impacts to these uses would occur based on the applicant's request to allow the operation of a liquor store with the sale of alcoholic beverages for off-site consumption. The pre-school is located adjacent to the property to the west, but is separated from the site by a large parking lot. Additionally, the owner of the pre-school has submitted a letter of support for the applicant's request to operate the liquor store.The private school located to the south of the project site does not have any direct access to the proposed liquor store. The private school has frontage on Lowell Avenue, whereas the proposed liquor store has frontage on Foothill Boulevard, and they are separated by an existing personal storage facility. Suggested conditions of approval made by the Police Department, and incorporated in the staff recommendation, ensure that any potential negative impacts will be appropriately mitigated.

The Circulation Element identifies Foothill Boulevard as a major arterial street, and Lowell Avenue as a minor arterial street. These streets are fully developed and can adequately handle the existing traffic circulation around the site. The applicant's request to operate a liquor store with the sale of alcoholic beverages for off-site consumption is not anticipated to create any negative traffic-related impacts along Foothill Boulevard and Lowell Avenue, and other businesses over and above the existing conditions.

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 allow the operation of a liquor store with the sale of alcoholic beverages for off-site consumption will not result in inadequate public or private facilities. The project site is already developed and associated facilities are existing. The existing on-site parking has proven to meet the parking demand of the development, and has not resulted in conflicts with nearby businesses or residential development. In accordance with the Zoning Code, the change in use of the existing 1,600 square-foot tenant space from an office use to a retail liquor store will not require that any additional parking be provided. Additionally, this application does not include any new floor area or modifications to the existing building; therefore, there will be no increase in required parking for the use. As identified in the Circulation Element, both Foothill Boulevard and Lowell Avenue are fully developed streets and can adequately handle the existing traffic circulation adjacent to the site.

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 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 census tract does not contain more than the recommended maximum concentration of off-site uses. The operation of a liquor store with the sale of alcoholic beverages for off-site consumption 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 3004 is below the city average for Part 1 crimes. No evidence has been presented that would indicate that the operation of a liquor store with the sale of alcoholic beverages for off-site consumption at the subject site would encourage or intensify crime within the district. Suggested conditions of approval from the Police Department have been incorporated into the staff recommendation and will mitigate any potential negative impacts.

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 school or college, day care facility, public park, library, hospital or residential use). As noted in Finding C above, there is one pre-school, one private school, and one church located in the immediate neighborhood (500' radius). While these facilities and uses are within close proximity, given their orientation in relation to the subject property, as detailed above, it is not anticipated that any negative impacts to these uses would occur based on the applicant's request to allow the operation of a liquor store with the sale of alcoholic beverages for off-site consumption.

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. The site is fully developed and adequate parking and loading facilities are currently provided. The operation of a liquor store with the sale of alcoholic beverages for off-site consumption is not anticipated to intensify traffic circulation or parking demand. The site is fully developed and adequate parking facilities are currently provided.

5) That, notwithstanding consideration of the criteria in subsections 1 through 4 above, the operation of a liquor store with the sale of alcoholic beverages for off-site consumption does serve a public convenience for the area. The applicant's request to allow the operation of a 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.

RESPONSES TO COMMUNITY INPUT RECEIVED DURING COMMENT PERIOD

One comment letter was received during the public comment period from a nearby resident in opposition to the applicant's proposal to operate a liquor store near their house. In the CH- Commercial Hillside Zone, the operation of a liquor store is permitted through the Administrative Use Permit process. Conditions of approval have been placed on the Administrative Use Permit to mitigate any potential negative impacts to the surrounding neighborhood.

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

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

7. That any expansion or modification of the facility or use which intensifies the existing business shall require a new Administrative Use Permit application. Expansion shall constitute adding floor area, increased hours of operation, changes to the use or operation, or any physical change as determined by the Director of Community Development.

8. That the premises shall be operated in full accord with applicable State, County, and local laws.

9. That the store shall provide training for its personnel regarding prohibiting sales to minors or intoxicated persons. Alcoholic Beverage Control staff is available and can provide for this training.

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 the sale of beer, wine, and/or distilled spirits for on-site consumption on the premises shall be strictly prohibited.

12. That store display racks shall be positioned such that they are in a clear line of sight by management and staff with no restricting view.

13. That signs shall be posted clearly specifying no sales to minors or intoxicated persons.

14. That appropriate lighting for the display areas where alcoholic beverages would be sold shall be required.

15. That signs indicating no loitering or trespassing shall be posted.

16. That individual unit sales of alcoholic beverages shall be restricted such that no individual unit sales for beer shall be allowed, and no individual unit sales for wine less than a full-sized bottle shall be allowed.

17. 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.

18. That the use shall adhere to the City's Fresh Air Ordinance, Title 15, Chapter 8.52 of the Glendale Municipal Code.

19. That no exterior signs advertising the availability of alcoholic beverages shall be permitted.

20. That a Business Registration Certificate be applied for and issued for a liquor store, subject to the findings and conditions outlined in this decision letter.

21. That authorization granted herein shall be valid for a period of ten (10) years until ***March 5, 2028.***

APPEAL PERIOD, TIME LIMITS, LAPSE OF PRIVILEGES, TIME EXTENSIONS

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 **March 20, 2018** 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

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.

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.

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: 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 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.

You may contact the case planner, Vista Ezzati, during normal business hours at (818) 937-8180 or via e-mail at vezzati@glendaleca.gov.

Sincerely,

Philip Lanzafame
Director of Community Development

Roger Kiesel
Planning Hearing Officer

RK:SM:ve

cc: CC: City Clerk (K.Cruz); Police Dept. (A.Jenks/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 (Vista Ezzati).