glendale california

City of Glendale
Community Development
Planning & Neighborhood Services

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April 17, 2018

Janelle Williams
Williams Land Use Services
2418 Honolulu Avenue, #B
Montrose, CA 91020

RE: 333 NORTH VERDUGO ROAD
ADMINISTRATIVE USE PERMIT NO. PAUP 1801736
(Z Liquor Store)

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 for the sale of alcoholic beverages for off-site consumption in the "C1" – Neighborhood Commercial Zone, located at **333 North Verdugo Road,** described as a Portion of lot 83, Watts Subdivision Tract in the City of Glendale, County of Los Angeles.

CODE REQUIRES

(1) A liquor store for the sale of alcoholic beverages for off-site consumption requires an administrative use permit in the C1- Neighborhood Commercial Zone.

APPLICANT'S PROPOSAL

(1) To allow the operation of a liquor store which sells alcoholic beverages for off-site consumption (ABC License Type 21).

ENVIRONMENTAL DETERMINATION

The project is exempt from CEQA review per State CEQA Guidelines Section 15301, Class 1 "Existing Facilities", because the discretionary permit request is for a liquor store within an existing tenant space that was formerly a liquor store. There are no proposals to add floor area to the store.

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 applicant's request to operate a liquor store (Z Liquor store) for the sale of alcoholic beverages (Type 21) for off-site consumption will be consistent with the elements and objectives of the General Plan. The subject site is located in the "C1" - (Neighborhood Commercial) zone, and the General Plan Land Use Element designation is Neighborhood Commercial. Goods and services that are offered in this zone generally attract clientele from the adjoining residential neighborhoods. 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 surrounded by residential units, and will continue to provide an option for the community to purchase alcoholic beverages for off-site consumption. Retail and service uses are permitted in the "C1" (Neighborhood Commercial) zone. Liquor stores are subject to the approval of an Administrative Use Permit and are consistent with the Neighborhood Commercial land use designation. The Circulation Element identifies North Verdugo Road as a major arterial thoroughfare and North Chevy Chase Drive as minor Arterial Street; both are fully developed and can adequately handle the existing traffic circulation around the site. The liquor store is not anticipated to create any negative traffic-related impacts on North Verdugo Road or North Chevy Chase Drive over and above the existing conditions. . The other elements of the General Plan, including Open Space, Recreation, Housing, and Noise, will not be impacted as a result of the applicant's request as this is an existing development in the city, and there is no expansion proposed. The project site is already developed and the applicant's request is to operate a liquor store within an existing, approximately 2,738 SF tenant space that has been a liquor store for the past 44 years. The Administrative Use Permit is required given that the previous liquor store has been closed for over a year and has consequently lost its legal nonconforming status. This application does not include any added floor area or modifications to the existing building or tenant space. As such, the re-establishment of a liquor store at this location is consistent with the elements and objectives of the General Plan.

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 proposed liquor store selling alcoholic beverages for off-site consumption is not expected to be detrimental to the public health, safety, general welfare, or to the environment. According to the Glendale Police Department (GPD), the subject property is located in Census Tract 3020.04, where the suggested limit for off-sale alcohol establishments is two. Currently, there are two off-sale establishments located in Census Tract 3020.04, including Z Liquor Store. Based on Part 1 crime statistics for this Census Tract, there were 93 crimes reported in this tract, which is well below the citywide average of 180. 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 incorporated to ensure there are no negative impacts to the public health, safety, general welfare, or the environment. In addition, no evidence has been presented that would indicate that a liquor store with the sale of alcoholic beverages for off-site consumption would encourage or intensify crime within the district.

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 applicant's request to operate a liquor store for the sale of alcoholic beverages for off-site consumption will be detrimental to the community or

adversely conflict with the community's normal development. A liquor store has operated at this location without any major incident for 44 years, although the space has been vacant over the last year and the liquor store is under new management. The subject tenant space is located within a commercial shopping center and abuts a full service restaurant within the same building; the other building on the subject site along the southerly and westerly interior property lines features 11 other commercial tenant spaces. The liquor store will be open seven days a week, from 10 a.m. to 10 p.m. The request to continue the operation of a liquor store at this location is not anticipated to adversely conflict with surrounding properties.

While there are residential developments in the surrounding area, there are no public facilities located within the immediate area. The nearest schools are Wilson Middle School (along North Verdugo Road and Monterey Road), John Marshall Elementary School (along North Chevy Chase Drive and East Broadway) and Glendale High School (South Verdugo Road and East Broadway), which are all located approximately 0.4 miles away. The closest church is The Church of Jesus Christ of Latter-day Saints Glendale, located at 1130 E Wilson Avenue, also approximately 0.4 miles away. While these facilities and uses are within the vicinity, it is not anticipated that any negative impacts to these uses would occur based on the applicant's request to operate a liquor store with the retail sales of alcoholic beverages for off-site consumption at this location. Furthermore, suggested conditions of approval made by the Police Department and incorporated in the staff recommendation will help ensure that any potential negative impacts will be appropriately mitigated.

The Circulation Element identifies North Chevy Chase Drive as a minor arterial and North Verdugo Road as major 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 is not anticipated to create any negative traffic-related impacts on North Chevy Chase Drive or North Verdugo Road 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.

Adequate public and private facilities such as utilities, landscaping, parking spaces and traffic circulation measures are provided for the use and are existing. The applicant's request is only to re-establish a liquor store at this location, and no expansion to the existing building is proposed. Associated utilities exist within the public rights-of-way and are adequate to continue service to the building. The project site was originally developed in 1974 with a multi-tenant commercial building, and the subject space has essentially operated as a liquor store for the last 44 years. The re-opening of a liquor store at this location (following a long vacancy) does not require additional parking. The existing on-site parking (two handicap parking stalls in addition to 59 on-site parking spaces) has proven to meet the parking demand of the development, and has not resulted in conflicts with nearby businesses and residential development. The parking demand is not anticipated to intensify with the applicant's request to allow for a liquor store with retail sales of alcoholic beverages for off-site consumption. The applicant's AUP request to operate a liquor store including the sale of alcoholic beverage sales will not require any new city services, nor will it require any changes to landscaping, parking or traffic circulation.

REQUIRED ADDITIONAL FINDINGS OF FACT FOR AN AUP FOR THE SALE OF ALCOHOL

That all the criteria set forth in Section 30.42.030 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 as noted in Finding B above.

2) That such use will not tend to encourage or intensify crime within the district. No evidence has been presented which would indicate that a liquor store with sales of alcoholic beverages in this location has or would encourage or intensify crime within the district as noted in Finding B above

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). As noted in Finding C. above, the closest public facilities to the proposed project are Wilson Middle School, John Marshall Elementary School and Glendale High School; all located approximately 0.4 miles away. While residential uses are located nearby, the existing liquor store, under new management, should not impact these uses. Additionally, the project is conditioned to ensure the function of this liquor store and sale of alcoholic beverages in compliance with all municipal codes and state law. The proposed off-site sale of alcoholic beverages at the re-opened liquor store is not anticipated to adversely impact other neighboring uses in this area.

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

5) That notwithstanding consideration in subsections 1 through 4 above, the operation of a liquor store with the sales 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 as evidenced by a liquor store operation at this location for the past 44 years. Conditions placed on the approval of the project will ensure that it will not adversely impact nearby businesses and residential uses.

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 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.

4. That sufficient measures shall be enforced to effectively eliminate interior and exterior loitering, parking congestion, disturbing noise, disturbing light, loud conversation, and criminal activities.

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

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

7. That the sales of alcoholic beverages shall be permitted only between the hours of 10 a.m. to 10 p.m. each day of the week.

8. That individual unit sale of alcoholic beverages shall be restricted. No individual unit sales for beer shall be allowed. No individual unit sales for wine less than a full sized bottle shall be allowed.

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

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

11. That the sale of beer, wine, and/or distilled spirits for consumption on the premises is strictly prohibited.

12. That the Manager and or staff shall be proactive in the enforcement of the City of Glendale Clean Air Act.

13. That the parking area shall be kept adequately illuminated for security purposes during all hours of darkness. No lighting shall be installed or maintained that shines or reflects onto adjacent properties.

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

15. That all signs displayed shall conform to the requirements of the Glendale Municipal Code and that the existing window signs are modified to meet the requirements of the sign code.

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

17. That the front doors to the liquor store shall be kept closed at all times while the location is open for business, except in case of emergency.

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

19. That access to the premises shall be made available to all City of Glendale Planning and Neighborhood Services Divisions, Police Department, and Fire Department staff upon request for the purpose of verifying compliance with all laws and conditions of this approval.

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 APRIL 17, 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 **May 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 administrative use permits, variances, 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 30.4 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, Bradley Collin at (818) 548-2140 or bcollin@glendaleca.gov

Sincerely,

Philip Lanzafame
Director of Community Development

Vilia Zemaitaitis

Vilia Zemaitaitis, AICP
Senior Planner
Planning Hearing Officer

VZ:BC:sm

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/T.Dodson); Street and Field Services Admin.; Engineering and Environmental Management (C.Chew/R. Villaluna); and case planner – Bradley Collin.