



CITY OF GLENDALE, CALIFORNIA
COMMUNITY DEVELOPMENT DEPARTMENT
Director of Community Development

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March 14, 2013

Shoghig Yepremian
P.O. Box 583
Sierra Madre, CA 91025

**RE: 708 SOUTH GLENDALE AVENUE
CONDITIONAL USE PERMIT NO. PCUP 1237650
(Mission Wine & Spirits)**

Dear Ms. Yepremian:

On March 13, 2013, the Planning Hearing Officer conducted and closed a public hearing, pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.42, on your application for a Conditional Use Permit to allow the sale of alcohol for off-site consumption, and the addition of on-site alcoholic beverage tasting and 1,000 square feet of floor area at an existing liquor store (Mission Wine & Spirits), located at **708 South Glendale Avenue**, in the "C3" Commercial Service Zone, described as Lots 48 and 49, Glendale Garden Home Tract, in the City of Glendale, County of Los Angeles.

APPLICANT'S PROPOSAL

Conditional Use Permit

- (1) To obtain a Conditional Use Permit to allow the sale of alcohol for off-site consumption and on-site tasting of alcoholic beverages at an existing liquor store.

CODE REQUIRES

Conditional Use Permit

- (1) On-site sale, service and consumption of alcohol require a Conditional Use Permit in the "C3" Zone.

ENVIRONMENTAL RECOMMENDATION: This project is exempt from the California Environmental Quality Act (CEQA).

REQUIRED/MANDATED FINDINGS

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report by the Community Development Department staff thereon, and the statements made at the public hearing with respect to this application, the Planning Hearing Officer has **GRANTED WITH CONDITIONS** your 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 sale of alcohol and wine tasting at Mission Wine and Spirits is consistent with the General Plan. The subject site is located in the Community/Services Commercial land use designation, which is designed to provide community shopping. Liquor stores are conditionally permitted uses within the "C3" - Commercial Service Zone, and therefore, consistent with the land use designations. The uses in this zone are intended to accommodate retail shopping and convenience services. The proposed occasional wine tasting is intended to supplement the sale of alcohol and not change the existing nature of the business. Mission Wine and Spirits is a reputable business, with stores in Pasadena, Sherman Oaks and Glendale. It will continue to provide a service to the area.

The proposed use is consistent with the Circulation Element. Glendale Avenue is classified as a Major Arterial with community and regional commercial as types of predominate use characteristics of frontage property. It identifies Maple Street as an Urban Collector with low, moderate, medium and medium high density residential included as predominant frontage uses. Providing such services along a major thoroughfare that is conveniently located is in keeping with the city's policies to reduce automobile trips and encourage walkability. In addition, the proposed landscaping will make the designated bike route on Maple Avenue more attractive.

Preserving this 1939 building is in keeping with the goals and objectives of the Historic Preservation Element. The addition and minor changes to the store front are proposed to maintain the architectural style of the building.

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.

It is not anticipated that Mission Wine and Spirits will have a detrimental effect on the community. It is not anticipated that the continuation of off-site alcoholic beverage sales will be detrimental to the community or adversely conflict with the community's normal development. A liquor store with a Type 21 permit has sold alcohol at this location for over seven years without adverse impacts to the neighborhood. The addition of a Type 86 permit incidental alcoholic beverage tasting will supplement the existing liquor store and conditions have been added to limit the use to incidental tasting. The 1,000 square foot addition will be used for storage. Should the applicant apply additionally for a Type 42 license, the conditions of this permit allowing offsite-sale with limited tasting will remain applicable, plus any additional ABC requirements. The use of the building, parking, and customer service hours will continue in the same manner. The Glendale Police Department (GPD) noted that this establishment is not in an area that is over concentrated, does not have a higher than average crime rate, and that it does not appear this establishment contributes to the crime rate.

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

The building has been used for commercial uses since it was constructed in 1939. It has operated as a liquor store since 2006. Although alcoholic beverage tasting is proposed to

be added, this occasional tasting is intended to supplement the sale of alcohol, not change the existing nature of the business into a tavern. Conditions have been added to limit the location and size of the tasting area to no more than 12 seats and subject to requirements for a Type 86 permit. The additional square footage will be used for storage. Glendale Avenue is developed with a variety of retail, restaurant, and service related businesses and Mission Wine and Spirits will continue to complement them. There will be no impact to existing traffic, loading, or noise caused by the use, and the property will be improved with the additional landscaping. In addition, the Planning Division has not received any formal complaints from the nearby commercial and residential properties.

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 proposed use. The applicant is proposing to operate the liquor store in the existing manner; therefore, it is not anticipated to increase the need for public or private facilities. The continuation of off-site sale and the addition of occasional alcoholic beverage tasting at Mission Wine and Spirits are not anticipated to intensify traffic circulation or parking demand. Four additional parking spaces will be provided for the addition, for a total of 18 parking spaces. Glendale Avenue is identified as a Major Arterial, which adequately handle the existing traffic circulation around the site. The Traffic Engineer's Section did not submit concerns related to traffic circulation and parking.

Furthermore, for applications involving the sales, serving or consumption of alcoholic beverages, the following criteria shall be considered in making the findings in subsection A. through D. above:

1. That where a 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 off-site use is located in a census tract with more than the recommended maximum concentration of off-site uses, as recommended by the California Department of Alcoholic Beverage Control, such use 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. Mission Wine & Spirits is in an area that is not over concentrated with liquor licenses. Census Tract 3025.03 allows for two Off-Sale establishments and Mission Wine & Spirits holds the only liquor license in this tract.
2. That where the existing or proposed use is located in a crime reporting district with a crime rate which exceeds twenty (20) percent of the city average for Part I crimes, as reported by the Glendale Police Department, such use will not tend to encourage or intensify crime within the district because conditions placed on the approval of this conditional use permit will reduce the potential for these deleterious impacts to occur. According to the Glendale Police Department, the applicant has an active Type 21 Alcoholic Beverage License (Off-Sale General) and is in Census Tract 3025.03. The crime rate for this tract does not exceed the average Part 1 crimes for the City (53 crimes – 16% below the city-wide average of 63). The Police Department reported that within the last calendar year there were six calls for police service at the location; however none were directly related to alcohol sales. The Neighborhood Services Section has no open code enforcement cases on the property.

3. That the existing or proposed use does not or will not adversely impact any church, public or private school or college, day care facility, public park, library, hospital or residential use within the surrounding area. The subject site is located in the Community/Services Commercial land use designation, which is designed to provide community shopping. The property is located on a major thoroughfare and the majority of the area surrounding the subject site is developed with similar or more intensive land uses as the subject project. The building has been used for commercial uses since it was constructed in 1939 and has operated as a liquor store since 2006. Although alcoholic beverage tasting is proposed to be added, this occasional tasting is intended to supplement the sale of alcohol, not change the existing nature of the business. The additional square footage will be used for storage. There is an identified sensitive land-use (day care facilities) just south of Mission Wine & Spirits. A Zoning Use Certificate (PZUC-20090333) was granted for Kids Planet Child Care Center on June 25, 2009. Hammered Liquor was in operation for three years when the preschool opened, and there have been no reported conflicts between these uses.
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 continued sale of alcoholic beverages and the addition of square footage and occasional alcoholic beverage tasting at Mission Wine & Spirits are not anticipated to intensify traffic circulation or parking demand. The use of the building, parking, and customer service hours will continue in the same manner. Per the Zoning Code, four additional parking spaces will be provided for the 1,000 square foot addition. Glendale Avenue is identified as a Major Arterial, which will adequately handle the existing traffic circulation around the site. The Traffic Engineer's Section did not submit concerns related to traffic circulation and parking.
5. That, notwithstanding consideration of the criteria in subsections 1 through 4 above, the continued alcoholic beverage sales and tasting does serve a public convenience for the area. Compatibility of land uses is important to fostering a productive and thriving community. The continued sale of alcoholic beverages at the existing liquor store serves a public convenience because it serves local residents and businesses. Conditions placed on the approval of the project will ensure that it will not adversely impact nearby businesses and residential uses.

SUMMARY OF PLANNING HEARING OFFICER'S DECISION

The Planning Hearing officer was able to make all findings associated with the CUP for the expansion of the existing liquor store and additional of incidental tastings in accordance with a Type 21 and Type 86 license. Conditions have been added to limit the size, location, hours of operation, and other restrictions for the tasting area so that it will be an enhancement for the existing off-sale use, and not become a tavern.

CONDITIONS OF APPROVAL

APPROVAL of this Conditional Use Permit shall be subject to the following conditions:

1. The development shall be in substantial accord with the plans submitted with the application and presented at the hearing except for any modifications as may be required to meet specific Code standards or other conditions stipulated herein to the satisfaction of the Planning Hearing Officer.

2. 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. Access to the premises shall be made available upon request to all City of Glendale authorized staff (i.e. Community Development Department, Fire Department, Police Department, etc.) for the purpose of verifying compliance with all laws and the conditions of this approval.
4. The hours of operation shall be limited to **9:00 a.m. to 9:00 p.m.**
5. The existing Zoning Use Certificate shall be modified to reference this conditional use permit.
6. The parking lot shall be provided with painted lines to define legal parking spaces, wheel stops, directional signs, and landscaping/irrigation in accord with the submitted plans and City code standards.
7. The wall on the south side of the property shall be maintained according to Building Code Standards.
8. The service of alcoholic beverages shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control.
9. No exterior signs advertising the sales/service of alcoholic beverages shall be permitted, banners shall be prohibited, and all signs displayed shall conform to the requirements of the Glendale Municipal Code.
10. Only the entities designated by State Department of Alcoholic Beverage Control (ABC) as an "authorized licensee" will be allowed to conduct the instructional tasting events.
11. No charge of any sort shall be made for tastings at an instructional tasting event.
12. In accordance with ABC regulations, an instructional tasting event may only take place between the hours of **10:00 a.m. and 9:00 p.m.**
13. Mission Wine and Spirits shall not permit any consumer to leave the instructional tasting area with an open container of alcohol.
14. No person under 21 years of age will be allowed to enter and remain in the instructional tasting event area during an instructional tasting event.
15. At all times during an instructional tasting event, the instructional tasting event area shall be separated from the remainder of the off-sale licensed premises and prominently display signage prohibiting persons under 21 years of age from entering the instructional tasting event area. The instructional tasting area shall be the area shown as "wine bar" on the plans and shall contain no more than 12 seats.
16. An instructional tasting event shall be limited to a single type of alcoholic beverage during each event.

17. A single tasting of distilled spirits shall not exceed one-fourth of one ounce and a single tasting of wine shall not exceed one ounce. No more than three (3) tastings of distilled spirits or wine shall be provided to any person on any day. The tasting of beer is limited to eight ounces of beer per person per day.
18. No more than one "authorized licensee" or its designated representative may conduct an instructional tasting event on the premises per day.
19. All tastings shall be served by an employee or the designated representative of the "authorized licensee", and not by a Mission Wine and Spirits employee, owner, or representative.
20. Mission Wine and Spirits has applied to conduct "tastings" under ABC license Type 86 in conjunction with their existing Type 21 for off-sale. Should the applicant apply for an additional Type 42 license, the conditions in this permit shall remain in effect to limit the use to a liquor store with limited tasting.
21. The applicant shall provide all current and future employees with training designed to help them recognize obviously intoxicated or underage patrons. The State Alcoholic Beverage Control Department can assist the applicant with this type of training to be conducted with their employees.
22. The doors of the establishment shall be kept closed at all times while the location is open for business, except in case of emergency.
23. Graffiti shall be removed in a timely manner.
24. All music, lighting, noise and odors shall be confined within the building so as not to disturb occupants of other adjacent businesses or properties, and patrons on the public right-of-way. The Planning Hearing Officer's opinion shall prevail to arbitrate any conflicts.
25. The facilities shall not be rented, leased or otherwise occupied for purposes not specified.
26. Any expansion or modification of the facility or use which intensifies the existing Conditional Use Permit shall require a new Conditional 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.
27. The liquor store shall adhere to the City's Fresh Air (smoking) Ordinance.
28. Access to the premises shall be made available upon request to all City of Glendale authorized staff (i.e. Community Development Department, Fire Department, Police Department, etc.) for the purpose of verifying compliance with all laws and the conditions of this approval.
29. The authorization granted herein shall be valid for a period of **5 years, until March 30, 2018**, at which time, a reapplication must be made.

APPEAL PERIOD (effective date), TIME LIMIT, LAPSE OF PRIVILEGES, TIME EXTENSION

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 Building and Safety Division upon request and must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **March 29, 2013**, in the Building and Safety Division, 633 East Broadway, Room 101.

APPEAL FORMS available on-line:
<http://www.ci.glendale.ca.us/planning/SubmittingAProject.asp>

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.

REVOCACTION, CONTINUING JURISDICTION

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over 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 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 30.41 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 conditional 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 conditional 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 at 818.937.8163) who acted on this case. 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,



Laura Stotler
Planning Hearing Officer

LS:sm

CC: City Clerk (K.Cortes); Police Dept. (Tim Feeley/Z.Avila); City Attorney's Dept. (G. van Muyden/M.Yun); Fire Prevention Engineering Section-(D.Nickles); City Engineer and Traffic & Transportation Section (Roubik Golanian/G.Tom); Director of Public Works and General Manager for Glendale Water and Power (Stephen Zurn); Glendale Water & Power--Water Section (R.Takidin); Glendale Water & Power--Electric Section (M.Kelley/M.Jackson); Parks, Recreation and Community Services Dept. (Emil Tatevosian); 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);Viken Mankarian-owner;M.Aghabeg; and case planner - Kathy Duarte.