



CITY OF GLENDALE, CALIFORNIA

Community Development
Planning

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glendaleca.gov

March 31, 2020

Art Rodriguez Associates for Mission Wine and Spirits
444 East Huntington Drive, Suite 208
Arcadia, CA 91006

**RE: ADMINISTRATIVE USE PERMIT NO. PAUP2001151
825-827 WEST GLENOAKS BOULEVARD
(MISSION WINE AND SPIRITS)**

Dear Mr. Rodriguez:

Pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.49, the Planning Hearing Officer has processed your application for an Administrative Use Permit to expand the floor area of an existing 4,085 square-foot liquor store (Mission Wine and Spirits), located at 825 West Glenoaks Boulevard, into the adjacent 1,656 square-foot vacant tenant space, located at 827 West Glenoaks Boulevard, for a combined total floor area of 5,741 square-feet, and to allow the continued on-site instructional tastings and off-site sales of alcoholic beverages at the expanded liquor store, located in the C2 – Community Commercial (District I) Zone. The proposed project is addressed as **825-827 West Glenoaks Boulevard**, Lot 10 and Portions of Lot 9 and 11, Block 11, Tract No. 8419, and Portion of Lot 36, Tract No. 6042, in the City of Glendale, in the County of Los Angeles.

CODE REQUIRES

- 1) The on-site consumption and off-site sales of alcoholic beverages requires an administrative use permit in the "C2" Zone (GMC 30.12.030.C).

APPLICANT'S PROPOSAL

- 1) To allow the continued on-site instructional tastings (Type 86) and off-site sales of alcoholic beverages (Type 21) at an expanded liquor store.

ENVIRONMENTAL DETERMINATION

The project is exempt from CEQA review as a Class 1 "Existing Facilities" exemption pursuant to State CEQA Guidelines Section 15301, because this project is proposing to expand the floor area of an existing liquor store by combining with an existing, adjacent, tenant space and to continue on-site instructional tastings and off-site sale of alcoholic beverages.

REQUIRED/MANDATED FINDINGS

After considering the evidence presented with respect to this application, the plans submitted therewith, the Planning Hearing Officer has **APPROVED WITH CONDITIONS** your application based on the following findings:

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

The applicant is requesting approval of an Administrative Use Permit (AUP) to expand the floor area of an existing 4,085 square-foot liquor store (Mission Wine and Spirits), located at 825 West Glenoaks Boulevard, into the adjacent 1,656 square-foot vacant tenant space, located at 827 West Glenoaks Boulevard, for a combined total floor area of 5,741 square-feet, and to allow the continued on-site instructional tastings and off-site sales of alcoholic beverages at the expanded liquor store. The project site is located in the C2 (Community Commercial) Zone and the General Plan Land Use Element designation is Community Services. The C2 Zone is intended to accommodate shopping and convenience services for the community in conformance with the comprehensive general plan. Goods and services offered in this zone generally attract clientele from the surrounding residential neighborhood. A variety of uses are permitted in this zone, and a liquor store (retail) is one of the permitted uses. Alcoholic beverage service and sales are administratively permitted in the C2 zone.

The project site is a rectangular, 14,719 square-foot lot located at the northern side of West Glenoaks Boulevard. The one-story, 5,741 square-foot, multi-tenant building was constructed in 1951 with surface parking at the rear. A liquor store has been at that location since 1960, though the business ownership and business names have changed over the years. City records indicate that "Mission Wine and Spirits" has operated at this location since 2008. The adjacent tenant space (827 West Glenoaks Boulevard) was previously occupied by a full-service restaurant and is currently vacant. The applicant proposes to expand the subject liquor store's floor area and operation into this unit, creating a larger retail sales area with a walk-in refrigerator for both alcoholic and non-alcoholic beverages.

As identified in the Circulation Element, West Glenoaks Boulevard is a Major Arterial. The functional purpose of major arterials is to distribute traffic to freeways, other arterials and collector streets, and activity and business centers within and outside the City. West Glendale Boulevard has the capacity to accommodate various types of commercial and residential uses in the immediate area. Since the project site has been utilized as a liquor store for the past twelve years, the project is consistent with the Circulation Element and will not create a negative parking or traffic related impact.

Since the site is already developed and the Administrative Use Permit application only involves the expansion of an existing liquor store into an existing space and the continuation of the on-site instructional tastings and off-site sale of alcoholic

beverages, other elements of the General Plan, including the Open Space, Recreation, Housing and Noise Element, will not be impacted as a result of the project. The continued on-site instructional tastings in conjunction with the off-site sale of alcoholic beverages will continue to provide an option for the public to not only purchase alcoholic beverages, but also learn about the myriad types and makes of alcoholic beverages. Therefore, the project will be consistent with the 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 request to expand the floor area of the existing liquor store and to allow the continued on-site instructional tastings and off-site sales of alcoholic beverages in the expanded liquor store will not be detrimental to the public health or safety, the general welfare, or the environment. The project has been reviewed by the Police Department and the Divisions of Neighborhood Services and Planning within the Community Development Department to identify potential negative impacts of the project on the public health, safety, general welfare or 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 three on-sale and five off-sale establishments located in this tract and "Mission Wine and Spirits" currently holds one of the existing on-sale and one of the existing off-sale licenses. Based on Part 1 crime statistics for the Census Tract, there were 72 crimes in 2019, 57% below the citywide average of 167. Within the last calendar year, there were five calls for police service at the subject location. Four out of five were for disturbance (loitering in the parking lot) and the remaining was for theft. However, none of the calls seemed to be directly related to alcoholic beverages. Neither the Police Department nor Neighborhood Services Division cited concerns related to this project, based on the nature of the business, the clientele, and the business's track record. However, conditions of approval by the Police Department are incorporated to ensure 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.

The proposed floor area expansion of the existing liquor store and the continued on-site instructional tastings and off-site sales of alcoholic beverages in the expanded liquor store will not adversely affect or conflict with adjacent uses or impede normal development of surrounding properties. The project site is located within a multi-tenant commercial building with other complementary businesses. A single family residential neighborhood is located to the north, across the existing alley. There are no private or public schools or colleges, daycare facilities, churches, libraries, or hospitals within quarter mile of the existing liquor store within quarter mile of the

subject location. However, there are three public schools (Mark Keppel Elementary School, Toll Middle School, and Hoover High School), two churches (St. Peter Armenian Church and First German United Methodist Church), and one public park (Fremont Park) in the vicinity. These facilities are located within residential neighborhoods and do not front Glenoaks Boulevard, which is a commercial thoroughfare.

While there are public facilities are located nearby, the low-intensity nature of the on-site consumption (instructional tastings) of alcoholic beverages would not negatively impact these facilities in the way that other establishments like a tavern, bar, or nightclub would. In addition, the off-site sale of alcoholic beverages at Mission Wine and Spirits has proven to not adversely conflict with nearby uses since 2008. Mission Wine and Spirits and similar, prior liquor stores have been operating at 825 West Glenoaks Boulevard for over six decades without any adverse effects on the adjoining businesses and nearby residential buildings, nor have there been any reported conflicts with its adjoining uses or neighbors.

Continuing the on-site instructional tastings and off-site sales of alcoholic beverages in the expanded liquor store will contribute to the establishment's continued success, as Mission Wine and Spirits will be able to offer the same service, convenience, and instructional opportunities that the nearby residents and alcoholic beverage connoisseurs have come to appreciate over the years.

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 the expanded liquor store will not result in inadequate public or private facilities. Adequate public and private facilities, such as utilities, landscaping, and parking spaces are all existing and will continue to be provided for the existing liquor store without issue. The site has been fully developed since 1951 with all required utilities such as gas, electricity, water, sewers, and landscaping already in place.

While the property met the City's Zoning Code requirements when it was first developed, the property now has legal nonconformities in a number of areas, such as setbacks, parking, and landscaping. These nonconformities do not appear to be detrimental to the surrounding uses and the property is not required to be brought up to code in these areas, since no substantial physical work is proposed for the building; the proposal is to expand the existing liquor store into an existing, adjacent tenant space and to continue instructional tastings and off-site sales of alcoholic beverages. Previously, the vacant tenant space at 827 West Glenoaks was a full-service restaurant. Per Glendale Municipal Code 30.32.050, full-service restaurants require 10 spaces per 1,000 square feet of floor area, while a general retail use requires 4 spaces per 1,000 square feet of floor area. As proposed, the applicant does not need to provide additional required parking for the expansion of the liquor

store, because the vacant space is going from a more intensive use (full-service restaurant) to a less intensive use (retail store).

In addition, the applicant's request is not expected to create a negative parking or traffic related impact, as it is not anticipated that the on-site instructional tastings of a full line of alcoholic beverages in conjunction with the off-site sale of alcoholic beverages at the expanded liquor store will significantly increase the amount of patrons to the subject site that has been operating as the liquor store since 2008. There are 27 parking spaces available on-site. In the 2018 approval, there were 26 regular parking spaces and one ADA-compliant handicap space, which has since been modified after a voluntary ADA upgrade; currently, there are 25 standard-sized parking spaces and two ADA-compliant handicap spaces. The existing 27 spaces at the side and rear of the building will continue to adequately serve the site. 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. The Circulation Element identifies West Glenoaks Boulevard as a Major Arterial. It is fully improved and adequately services the subject site and surrounding commercial developments. Since the project site has been utilized as a liquor store for the past twelve years, the project is consistent with the Circulation Element and will not create a negative parking or traffic related impact.

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 does not or will not tend to intensify or otherwise contribute to the adverse impacts on the surrounding area caused by over concentration as described above in finding B.
- 2) That such use does not or will not tend to encourage or intensify crime within the district as described above in finding B.
- 3) That such use does not or will not adversely impact any other uses within the surrounding area (church, public or private schools or college, day care facility, public park, library, or residential use) as described above in findings B and C.
- 4) That the proposed use satisfies its transportation or parking needs as described above in finding D.
- 5) That, notwithstanding consideration of the criteria in subsections 1 through 4 above, expansion of an existing liquor store and continuing the on-site instructional tastings and off-site sales of alcoholic beverages serves a public convenience for the area, because it serves local residents and the surrounding community. Conditions placed on the

approval of the project will ensure that it will not adversely impact 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, service, and consumption of alcoholic beverages shall be permitted only between the hours of 8:00 a.m. to 11:00 p.m. each day of the week.
4. 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.
5. That all necessary permits (i.e., building, fire, engineering, etc.) shall be obtained from the Building and Safety Division and all construction shall comply with the Glendale Building Code and all other applicable regulations.
6. That the premises shall be made available and accessible to any authorized City personnel (Building, Fire, Police, Neighborhood Services, Planning, etc.), for inspection to ascertain that all conditions of approval of this conditional use permit are complied with.
7. That State Accessibility Standards shall be met for all parking requirements and building entrance accessibility, as required by the Building and Safety Division.
8. That additional or other building code requirements or specific code requirements (i.e. CA Green Building Code, etc.) will be required upon submittal of plans for building plans check and permit.
9. 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.

10. 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.
11. That there shall be no bar or lounge area on the premises maintained solely for the purpose of sales, service, or consumption of alcoholic beverages by patrons.
12. That no customers shall be allowed to bring into the establishment any alcoholic beverages that were purchased from outside of the establishment.
13. That the liquor store shall remain open to the public during business hours.
14. That the liquor store shall adhere to the City's Fresh Air Ordinance, Title 8, Chapter 8.52 of the Glendale Municipal Code.
15. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.
16. That the facilities shall not be rented, leased, or otherwise occupied for purposes not specified.
17. That no charge of any sort shall be made at an instructional tasting event.
18. That a person under 21 years of age shall not serve, or be served, wine, beer, or distilled spirits at the instructional tasting event.
19. That the Type 86 license shall not authorize any on-sale retail sales to consumers attending the instructional tasting event.
20. That the Type 86 license-holder shall not permit any consumer to leave the instructional tasting area with an open container of alcohol.
21. That an instructional tasting event shall be limited to a single type of alcoholic beverage. "Type of alcoholic beverage" means distilled spirits, wine, or beer.
22. That 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 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. The wine, beer, or distilled spirits tasted shall be limited to the products that are authorized to be sold by the holder of the Type 86 license under its requisite off-sale license.
23. That any unused wine, beer, or distilled spirits remaining from the tasting shall be removed from the off-sale license licensed premises by the "authorized licensee" or its designated representative.

24. That if the instructional tasting event is conducted by a designated representative, the designated representative shall not be owned, controlled, or employed directly or indirectly by the holder of the Type 86 on whose premises the instructional tasting event is held.
25. That 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 by a wall, rope, cable, cord, chain, fence, or other permanent or temporary barrier. The Type 86 license-holder shall prominently display signage prohibiting persons under 21 years of age from entering the instructional tasting event area.
26. 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.
27. 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.
28. That the front and back doors to the wine shop shall be kept closed at all times while the location is open for business, except in case of emergency.
29. That no exterior signs advertising the service of alcoholic beverages shall be permitted.
30. That all signs displayed shall conform to the requirements of the Glendale Municipal Code.
31. That there shall be no video machine(s) maintained on the premises.
32. 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.

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 Community Development Department (CDD) staff upon request by calling 818-548-2140. The appeal form is also available online at <https://www.glendaleca.gov/home/showdocument?id=11926>. The completed form must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **APRIL 15, 2020**, either by email to the case planner (Minjee Ham at mhahm@glendaleca.gov) and/or by mail to Community Development Department – Planning Division, 633 East Broadway, Room 103, Glendale, CA 91206. Please note that during the COVID-19 quarantine, all appeals must be postmarked by the April 9th deadline, and must include payment (check preferably).

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

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

Permits granted by such right or privilege 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.

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 sold, 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

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over variances, conditional use permits and Administrative Use Permits. To consider the revocation, the Director of Community Development shall hold a public hearing after giving notice by the same procedure as for consideration of a variance at least ten (10) days' notice by mail to the applicant or permittee.

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.

Should you have any questions regarding this issue, please do not hesitate to contact the case planner, Minjee Hahm, via email at mhahm@glendaleca.gov or during normal business hours at (818) 937-8178, between 7:30 a.m. to 3:30 p.m.

Sincerely,

Philip Lanzafame
Director of Community Development Department


Vilia Zemaitaitis, AICP
Planning Hearing Officer

VZ:MH: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. B.Ortiz/E.Olsen/ M.Navareete/M.Kouassi); 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); Street and Field Services Admin.; Engineering and Environmental Management (C.Chew/R. Villaluna); and case planner – Minjee Hahm.