



CITY OF GLENDALE, CALIFORNIA

Community Development
Planning

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glendaleca.gov

June 10, 2022

California Fine Wine and Spirits, LLC
c/o Rawlings Consulting
Attn: Steve Rawlings
26023 Jefferson Avenue, Suite D
Murrietta, CA 92562

**RE: 221 NORTH GLENDALE AVENUE
ADMINISTRATIVE USE PERMIT CASE NO. PAUP 2201966
(Total Wine)**

Dear Applicants:

Pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.49, the Community Development Department has processed your application for an Administrative Use Permit (AUP) to allow the operation of a new retail liquor store (Total Wine), which includes the sale of alcoholic beverages for off-site consumption (ABC License Type 21) and on-site tastings (ABC License Types 42, and 86) in the "C2" - (Community Commercial), Height District II, Zone, located at **221 North Glendale Avenue**, 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 "C2" Zone (GMC Section 30.12.020, Table 30.12-A).

APPLICANT'S PROPOSAL

- 1) To allow the operation of a new liquor store which includes the sale of alcoholic beverages for off-site consumption and on-site tastings.

ENVIRONMENTAL DETERMINATION

The project is exempt from CEQA review as a Class 1 "Existing Facilities" exemption, pursuant to State CEQA Guidelines Section 15301(e), because the discretionary permit request is to allow for a new retail liquor store within an existing commercial space and there is no additional floor area proposed.

REQUIRED/MANDATED FINDINGS

After considering the evidence presented with respect to this application, all of the required three findings can be made in support of the application. The Director of Community Development has **APPROVED WITH CONDITIONS** your application based on the following findings:

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

The operation of a new retail liquor store (Total Wine), which includes on-site tastings, 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 subject site is located in the C2 (Community Commercial) Zone where 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 new retail liquor store (Total Wine) with the sale of alcoholic beverages for off-site consumption and on-site tastings will be consistent with the various elements and objectives of the General Plan. The General Plan Land Use Element designation is Community Services Commercial where retail services along major arterials, like North Glendale Avenue, are desired. The project site is already developed and the applicant's request is to allow the operation of a new retail liquor store in an existing tenant space that is surrounded by other complementary businesses, including retail and service uses. The Land Use Element is the most directly related to the approval of this uses and the other elements of the General Plan, including the Open Space, Recreation, Housing, and Noise Elements, will not be impacted as a result of the applicant's request. This application does not include any added floor area or modifications to the existing tenant space, therefore, there will be no increase in the required parking for the use.

The Circulation Element identifies North Glendale Avenue as a major arterial, East Wilson Avenue as a minor arterial, and East California Avenue as an urban collector. These streets are fully developed and can adequately handle the existing traffic circulation around the site. The project site is surrounded by commercial and residential uses and the applicant's request to allow the operation of a new retail liquor store (Total Wine) with the sale of alcoholic beverages for off-site consumption and on-site tastings is not anticipated to create any negative traffic related impacts on these streets and the surrounding uses over and above the existing conditions.

B. That the use and its associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment.

The operation of a new retail liquor store (Total Wine) with the sale of alcoholic beverages for off-site consumption and on-site tastings 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 3020.02

where the suggested limit for off-sale alcohol establishments is two, and for on-sale establishments the suggested limit is four. There are currently six off-sale, 32 on-sale, and two instructional tasting licenses in this tract. Based on Part 1 crime statistics for census tract 3006.02 in 2020, there were 287 crimes, 72% above the city wide average of 167. Within the last calendar year, there have not been any calls for service to the Glendale Police Department for this location. The Glendale Police Department did not cite any concerns with the applicant's request to allow the operation of a new retail liquor store (Total Wine) with on-site tastings at this location and suggested conditions of approval have been included to mitigate any potential negative impacts.

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 new retail liquor store (Total Wine) with the sale of alcoholic beverages for off-site consumption and on-site tastings will be detrimental to the community or adversely conflict with the community's normal development of surrounding properties, as conditioned. The existing tenant space is located in a multi-tenant commercial shopping center that features other complementary businesses, including retail and service uses. There were no concerns or comments submitted by the Police Department or Neighborhood Services Division that would indicate that the new retail liquor store with on-site tastings (Total Wine) would have a negative impact on the surrounding area, and the proposed conditions of approval will serve to mitigate any potential negative impacts on the surrounding properties.

The subject property is surrounded by other businesses, including retail, office, and service type uses as well as residential neighborhoods to the north and west. There are three schools, two churches, a school district office, and a college located within the immediate area of the subject site: Glendale Seventh-Day Adventist Church and pre-school at 610 East California Avenue (abutting the subject property to the west), Glendale University College of Law at 220 North Glendale Avenue (0.2 miles to the east), Zion Lutheran Church at 301 North Isabel Street (miles to the north), Kara Preschool at 315 North Isabel Street (miles to the north), Allan F. Daily Continuation High School at 220 North Kenwood Street (miles to the west), Glendale Unified School District office at 223 North Jackson Street (miles to the west), Additionally, directly to the south is the Civic Center (City Hall, Municipal Services, Glendale Water and Power), and the Glendale Police Department. While these uses and facilities are within close proximity, given the orientation and location of the subject tenant space in the shopping center lower level garage in relation to the surrounding uses, 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 new retail liquor store (Total Wine) with the sale of alcoholic beverages for off-site consumption and on-site tastings. The church and pre-school that is directly abutting the parcel is separated by the shopping center's enclosed garage and there is no direct access to the tenant space from the church and pre-school. Suggested conditions of approval made by the Police Department incorporated into this approval, ensure that any potential negative impacts will be appropriately mitigated.

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 new retail liquor store (Total Wine) with the sale of alcoholic beverages for off-site consumption and on-site tastings will not result in inadequate public or private facilities. The project site is already developed and associated facilities are existing. The subject tenant space was previously occupied by a retail drug store with beer and wine sales for off-site consumption (Longs Drugs) and the request is for a new retail liquor store. The existing on-site parking has proven to meet the parking demand for the existing multi-tenant commercial shopping center and has not resulted in conflicts with nearby businesses or residential uses. Access to the multi-level parking structure for the commercial tenants is taken from East California Avenue (north), North Glendale Avenue (east), and East Wilson Avenue (south). The Circulation Element identifies North Glendale Avenue as a major arterial, East Wilson Avenue as a minor arterial, and East California Avenue as an urban collector. These streets are fully developed and can adequately handle the existing traffic circulation around the site. The applicant's request to allow the operation of a new retail liquor store (Total Wine) with on-site tastings will not require any new city services, nor will it require any changes to the parking or traffic circulation.

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 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 (ABC), 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 as described 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 I 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 of approval have been included in the approval of this application to ensure that any potential negative impacts will be appropriately mitigated, as described in Finding B above.
- 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 schools or college, day care facility, public park, library, hospital or residential use), as described in

Finding C above.

- 4) That adequate parking and loading facilities are or will be provided for the existing or proposed use or other reasonable alternatives satisfy the transportation and parking needs of the existing or proposed use as described in Finding D above.
- 5) That notwithstanding consideration in subsections 1 through 4 above, the operation of a new retail liquor store with the sale of alcoholic beverages for off-site consumption and on-site tastings does serve a public convenience for the area because it serves local residents, businesses, and the surrounding community. Conditions placed on the approval of the project will ensure that it will not adversely impact nearby businesses and residential uses.

CONDITIONS OF APPROVAL

APPROVAL of this **Administrative Use Permit** shall be subject to the following:

- 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, Country or City authorities 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, distributing noise, distributing 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 sale of beer, wine, and/or distilled spirits for on-site consumption, with the exception of permitted on-site tastings, shall be strictly prohibited.
- 6) That signs shall be posted clearly specifying no sales to minors or intoxicated persons.
- 7) That appropriate lighting for the display areas where alcoholic beverages would be sold shall be required.
- 8) That signs indicating no loitering or trespassing shall be posted.

- 9) That the retail liquor store shall be operated in full accord with applicable State, County, and local laws.
- 10) That access to the premises shall be made available to all City of Glendale Planning and Neighborhood Service Divisions, Police Department, and Fire Department staff upon request for the purpose of verifying compliance with laws and conditions of this approval.
- 11) That any expansion or modification of the facility or use which intensifies the 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.

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, appeal forms and fees will be provided by the Community Development Department (CDD) staff upon request by calling 818-548-2140.

The completed appeal form must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **JUNE 27, 2022**.

Due to the current COVID-19 social distancing and work from home orders issued by federal, state and local governmental agencies, in order for any appeal to be considered timely, **the appeal must be postmarked by the JUNE 27, 2022 deadline (mailed to Community Development Department – Planning Division, Attention Vista Ezzati, 633 East Broadway, Room 103, Glendale, CA 91206) OR emailed to the case planner Vista Ezzati at VEzzati@glendaleca.gov prior to the close of said business day.** The prescribed fee must be included along with the appeal application and may be submitted either in the form of a check or credit card payment. For credit card payment, please contact the case planner to make arrangements with the cashier. Note: The standard 2.5% fee for credit card payment applies.

APPEAL FORM is also available on-line:

<https://www.glendaleca.gov/home/showdocument?id=11926>

GMC CHAPTER 30.41 PROVIDES FOR

TERMINATION

Every right or privilege authorized by an Administrative Use Permit shall terminate two 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 Exception 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 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 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 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 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.

REVOCAION

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over 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 contact with this office regarding this determination must be with the case planner, **Vista Ezzati**, 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, Vista Ezzati, during normal business hours at her direct line (818) 937-8180 or via email at VEzzati@glendaleca.gov, between 8:30 a.m. to 5:30 p.m. weekdays.

Sincerely,
John Takhtalian
Interim Director of Community Development



Erik Krause
Deputy Director of Community Development
EK:VE:sm

CC: City Clerk (K.Cruz); Police Dept. (J.Newton/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(J.Halpert); Traffic & Transportation Section (P.Casanova/Mark Bueno-Traffic Engineer Assoc.); General Manager for Glendale Water and Power (M.Young); Glendale Water & Power--Water Section (G. Tom/S. Boghosian/R.Takidin/C.Babakhanlou/D.Scorza); 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.Mardians); 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 –Vista Ezzati.