



May 11, 2023

Ashot Arutyunyan
7789 Via Cassano
Burbank, CA 91504

RE: 1120 NORTH PACIFIC AVENUE - SUITE 5
ADMINISTRATIVE USE PERMIT CASE NO. PAUP 580-2022
(Duke Lite Smoke Shop)

Dear Mr. Arutyunyan:

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 sale of alcoholic beverages for off-site consumption (ABC License Type 21) at an existing 1,350 square-foot retail store, located at **1120 North Pacific Avenue Suite 5**, in the "C1"- Neighborhood Commercial Zone, and described as all of Lots 63 and 64 and a portion of Lot 65, Tract No. 726, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

(1) The sale of alcoholic beverages requires an Administrative Use Permit in the C1 Zone (Glendale Municipal Code Section 30.12.020, Table 30.12-A).

APPLICANT'S PROPOSAL

(1) To allow the sale of alcoholic beverages for off-site consumption at an existing retail store located in the C1 Zone.

ENVIRONMENTAL DETERMINATION

The project is exempt from CEQA review as a Class 1 "Existing Facilities" exemption, pursuant to Section 15301(e) of the State CEQA Guidelines, because the discretionary permit request is to allow for off-site sales of alcoholic beverages at an existing retail store and there is no added floor area proposed.

REQUIRED/MANDATED FINDINGS

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:

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

The sale of alcoholic beverages for off-site consumption within the existing retail establishment will be consistent with the various elements and objectives of the general plan. The project site is located within the Neighborhood Commercial Zone (C1). The Land Use Element of the Glendale General Plan designates the subject site as Commercial – Neighborhood Center and is intended for small neighborhood shopping centers with retail and personal service uses to serve nearby residential neighborhoods. Properties along North Pacific Avenue between Glenoaks Boulevard to the south and Glenwood Road to the north are designated with the Neighborhood Center land use and are mostly comprised of one- to two-story commercial structures occupied with such uses. The applicant's request to sell alcoholic beverages for off-site consumption at an existing retail establishment will be in keeping with the goals of the area to promote neighborhood-serving commercial uses. The sale of alcoholic beverages for off-site consumption within the existing retail establishment at this location is appropriate in an area of the city zoned for commercial uses and will provide an option for the residents of the surrounding neighborhood to purchase alcoholic beverages in the vicinity.

The Land Use Element is most directly related to the approval of this use. All other elements of the General Plan, including Open Space, Recreation, and Housing Elements, will not be impacted as a result of the applicant's request. The project site is fully developed and has not been identified for open space or recreation. The proposal to sell alcoholic beverages for off-site consumption within an existing retail establishment is consistent with the Noise Element and is not anticipated to increase the existing noise levels beyond the current conditions. This application does not include any new floor area or modifications to the existing building, and adequate utilities, landscaping, and traffic circulation measures are already provided.

The Circulation Element identifies North Pacific Avenue as a minor arterial and Palm Drive as a neighborhood collector. These streets are fully developed and can adequately handle the existing traffic circulation around the site. The applicant's request to continue to operate an existing retail store with the sale of alcoholic beverages for off-site consumption is not anticipated to create any negative traffic-related impacts along North Pacific Avenue and Palm Drive or other businesses 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 the existing retail store with the sale of alcoholic beverages for off-site consumption will not be detrimental to the health, safety and public welfare of the neighborhood in general. According to the Glendale Police Department, the subject property is in Census Tract 3012.04. There are currently four off-sale licenses in this tract. Based on arrests and Part 1 crime statistics for census tract 3012.04 in 2021, there were 109 crimes, 35% below the city wide average of 167. Within the last calendar year, there has been two calls for service to the Glendale Police Department for this location; both calls were false alarms and no report was taken. The Glendale Police Department did not cite any concerns with the applicant's request to allow the offsite sales within the existing retail store 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.

The sale of alcoholic beverages for off-site consumption at the existing retail establishment, "Duke Lite Smoke Shop," will not adversely conflict with adjacent uses or impede the normal development of surrounding property, as conditioned. The applicant's request to operate the existing retail store with the added sale of alcoholic beverages for off-site consumption would not conflict with adjacent and surrounding land uses. In fact, this type of use is encouraged in this neighborhood-serving commercial area. The existing retail store will not impede normal development within the surrounding area, since the project site is already fully developed; the use should not impede any redevelopment of North Pacific Avenue, given the proposed administrative use permit is for the sale of alcoholic beverages for off-site consumption at an existing retail store within an existing tenant space.

It is not anticipated that the sale of alcoholic beverages for off-site consumption at the existing retail establishment, "Duke Lite Smoke Shop," will be detrimental to the community or adversely conflict with the community's normal development. The applicant's request to allow the sale of alcoholic beverages for off-site consumption at the existing retail establishment is not anticipated to adversely conflict with surrounding properties or adjacent uses as it will be ancillary to the primary use.

The subject property is surrounded by other complementary businesses, including retail, restaurant, and service uses, as well as residential uses in the vicinity. Multi-family residential uses are located adjacent to the subject retail store. However, given the that the administrative use permit request is limited to off-site sales of alcoholic beverages, the applicant's request should not adversely impact the neighborhood. There are three schools, two churches, and five daycare centers located within the immediate area of the subject site: Herbert Hoover High School at 651 Glenwood Road

(0.5 miles to the northwest), Eleanor J. Toll Middle School at 700 Glenwood Road (0.5 miles to northwest), Mark Keppel Visual and Performing Arts Magnet at 730 Glenwood Road (0.5 miles to the northwest), First German United Methodist Church at 556 West Glenoaks Boulevard (0.3 miles to the southwest), The Church of Jesus Christ of Latter-day Saints at 1101 North Central Avenue (0.5 miles to the east), Angels Planet Family Child Care at 550 Palm Drive (0.2 miles to the west), Bonnie Academy at 534 West Glenoaks Boulevard (0.3 miles to the southwest), Goldfish Child Care at 410 West Stocker Street (0.3 miles to the northeast), Grandview House Preschool at 1212 North Pacific Avenue (0.2 miles to the north), and Taline Christian Preschool at 632 West Stocker Street (0.4 miles to the northwest). There are no known hospitals within the immediate area of the existing retail store. While residential uses are located nearby, the project is conditioned to ensure the operation will be in compliance with all applicable federal, state, and local laws. The applicant's request to allow the sale of alcoholic beverages for off-site consumption at the existing retail establishment is not anticipated to adversely impact other neighboring uses in this area.

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. The project site is already developed as are the associated facilities. There are a total of 20 parking spaces available on-site. Access to the surface-level parking area is taken from existing driveways located off North Pacific Avenue and Palm Drive. The parking demand is not anticipated to intensify based on the applicant's request to allow the sales of alcoholic beverages for off-site consumption at the existing retail store. The Circulation Element identifies North Pacific Avenue as a minor arterial and Palm Drive as a neighborhood collector. These streets are fully developed and can adequately handle the existing traffic circulation around the site. The applicant's AUP request will not require any new city services, nor will it require any changes to the parking or traffic circulation.

REQUIRED FINDINGS OF FACT FOR AN AUP 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, such use does not or will not tend to intensify or otherwise contribute to the adverse impacts on the surrounding area caused by such over concentration based on the comments submitted by the City of Glendale Police Department, and noted in Finding B above.

2. That where the existing or proposed use is located in a crime reporting district with a crime rate which exceeds 20 percent of the city average for Part 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 retail store with the sale of alcoholic beverages for off-site consumption 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 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, Country or City authorities including the City Clerk shall be obtained and kept current at all times.

3. That sufficient measures shall be enforced to effectively eliminate interior and exterior loitering, parking congestion, 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 individual unit sales 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.
6. That the business shall provide training for its personnel regarding sales to minors or intoxicated persons. Alcoholic Beverage Control staff is available and can provide this training.
7. That store display racks shall be positioned such that they are in a clear line of sight by management and staff with no restricting view.
8. That signs shall be posted clearly specifying no sales to minors or intoxicated persons.
9. That appropriate lighting for the display areas where alcoholic beverages would be sold shall be required.
10. That the proprietor and his/her employees shall make an active and conscientious effort to keep customers and employees from trespassing, loitering, or consuming any alcoholic beverages on the property, adjacent properties or otherwise making disturbances in the area.
11. That the sale of beer, wine, and/or distilled spirits for consumption on the premises is strictly prohibited.
12. That signs indicating no loitering or trespassing shall be posted.
13. That no exterior signs advertising the sales of alcoholic beverages shall be permitted.
14. That there shall be no video machine(s) and/or video game(s) maintained upon the premises.
15. That the front and back doors of the establishment shall be kept closed at all times while the location is open for business, except in case of emergency.
16. That the business shall adhere to the City's Fresh Air Ordinance, Title 8, Chapter 8.52 of the Glendale Municipal Code.

17. That the business shall be operated in full accord with applicable State, County, and local laws.
18. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash and graffiti.
19. That the off-site sale of alcoholic beverages shall be incidental to the main use as a retail establishment.
20. 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.
21. 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. Appeals must be filed prior to expiration of the 15-day period, on or before **MAY 25, 2023**. Information regarding appeals, appeal forms and fees may be obtained by calling the Community Development Department (CDD) staff at 818-548-2140, or by contacting Deborah Hong at dhong@glendaleca.gov or 818-937-8159.

APPEAL FORMS are available on-line at: <http://www.glendaleca.gov/appeal>

All appeals must be filed using the City's online permit portal:

www.glendaleca.gov/Permits. Create an account, click "Apply," type "appeal" in the search bar, and apply for "Appeal of Planning Decision."

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.

REVOCAION, CONTINUING JURISDICTION

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over, Planning Administrative 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 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 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 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 exception.

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, Deborah Hong during normal business hours at her direct line (818) 937-8159 or DHong@glendaleca.gov, between 8:30 a.m. to 5:30 p.m. weekdays.

Sincerely,
Bradley Calvert
Director of Community Development



Roger Kiesel
Planning Hearing Officer

RK:DH:ve:sm

cc: City Clerk (K.Cruz); Police Dept. (S.Riley/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(S.Demirjian/F.McLean); 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/A.Limayo); Neighborhood Services Division(J.Sada/R.Mardian); 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 – Deborah Hong.