

January 13, 2016

Bruce Evans, Solomon, Saltsman and Jamieson
On behalf of Garfield Beach CVS, LLC
426 Culver Boulevard
Playa Del Rey, CA 90293

**RE: 3943 SAN FERNANDO ROAD
ADMINISTRATIVE USE PERMIT CASE NO. PAUP 1500623
(CVS Pharmacy)**

Dear Sirs/Ladies:

Pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.49, the Community Development Department processed your application for an Administrative Use Permit (AUP) to allow the continued sale of alcoholic beverages for off-site consumption at an existing 24-hour drug store (CVS Pharmacy), located at **3943 San Fernando Road**, in the "C3-I-PPD" - Commercial Service – Precise Plan of Design Overlay Zone, described as Portions of Lots 6-12 in Block 2 of W.C.B Richardson's Subdivision, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

Administrative Use Permit

- 1) Alcoholic beverage sales for off-site consumption requires an Administrative Use Permit in the "C3-I-PPD"-Commercial Service-Precise Plan of Design Overlay Zone.

APPLICANT'S PROPOSAL

Administrative Use Permit

- 1) An Administrative Use Permit for alcoholic beverage sales for off-site consumption at an existing 24-hour CVS Pharmacy store.

ENVIRONMENTAL DETERMINATION

The project is categorically exempt from CEQA review as a Class 1 Existing Facilities exemption pursuant to State CEQA Guidelines Section 15301.

After considering the evidence presented with respect to this application, the Director of Community Development has **APPROVED WITH CONDITIONS** your request based on the following findings:

REQUIRED FINDINGS

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

The subject site is located in the C3 (Commercial Service)/ PPD (Precise Plan of Design Overlay) Zone and the General Plan Land Use Element designation is Commercial – Community/Services. These designations are designed to facilitate a full range of goods and services to the community located along commercial thoroughfares, like Central Avenue, Colorado Street and San Fernando Road. The sales of alcoholic beverages for off-site consumption is appropriate for the subject location, as it complements commercial activity along both San Fernando Road and Los Feliz Road, and provides a public convenience for the community to purchase alcoholic beverages for off-site consumption. The continued sale of alcoholic beverages for off-site consumption at the existing drugstore will be consistent with the elements and objectives of the General Plan.

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

The continued sale of alcoholic beverages for off-site consumption at an existing drugstore will not be detrimental to the safety and public welfare of the neighborhood. CVS Pharmacy is located in census tract 3024.01, where three off-sale establishments is the recommended limit. There are currently eight off-sale establishments in this tract, which CVS Pharmacy is one of the existing eight off-sale establishments. Based on Part 1 crime statistics for this census tract, there were 455 crimes, 263 percent above the citywide average of 173. While this area has more crime than in many other areas of the city, it has a high concentration of retail uses, which may partially explain the higher crime rate, rather than lower density residential areas, which typify much of the city. Furthermore, recommended conditions of approval would ensure that crime would not be intensified.

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 the continued sale of alcoholic beverages for off-site consumption at the existing drugstore will be detrimental to the community or adversely conflict with the community's normal development. The CVS Pharmacy is located in an existing 16,762 square foot commercial building.

The project site is surrounded by other general retail and service businesses, and adjoins a newly developed mixed use commercial/residential development to the east across San Fernando Road. East of the mixed used commercial/residential development (one block east of the project site) along Los Feliz Road is Glendale Memorial Hospital. The subject drugstore complements the surrounding uses as it offers a convenient location for a pharmacy, as well as retail opportunity for personal care, household, grocery and other miscellaneous homecare goods. The continued sale of alcoholic beverages for off-site consumption will remain ancillary to the business' primary commercial activity as a drugstore. There are no known churches, private or public schools or colleges, or day care facilities near the existing drugstore.

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 proposes to continue the sale of alcoholic beverages for off-site consumption at an existing commercial building and does not include any expanded floor area or intensification to the existing operation of its alcoholic beverage sales. The project site was recently developed in 2004 with adequate utilities, landscaping and parking spaces. San Fernando Road and Los Feliz Road are identified as a major arterial street in the city's Circulation Element and can adequately handle the existing traffic circulation adjacent to the site.

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, hospital or residential use) as described above in finding C.

- 4) That the proposed use satisfies its transportation or parking needs as described above in finding D.
- 5) That the proposed use does or will serve a public necessity or public convenience purpose for the area as evidenced by the continued operation of this retail use for off-site consumption of alcoholic beverages, as described in finding A.

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 permits shall be obtained from the Building and Safety Division and all construction shall be in compliance with the Glendale Building Code and all other applicable regulations.
3. That 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.
4. That the service of alcoholic beverages shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control.
5. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.
6. That the premises shall be operated in full accord with applicable State, County, and local laws.
7. 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.
8. That no exterior signs advertising the service of alcoholic beverages shall be permitted.

9. That the premises shall comply with the City's Fresh Air (smoking) Ordinance, Title 15, Chapter 8.52 of the Glendale Municipal Code.
10. That any expansion or modification of the facility or use which intensifies this administrative use permit shall require a new administrative use permit. Expansion shall constitute adding floor area, changes to the use or operation, or any physical changes as determined by the Planning Hearing Officer with concurrence from the Director of Community Development.
11. That there be a limit to independent unit sales. No sales of beer or wine in containers less than 16 ounces shall be sold individually. Beer containers less than 16 ounces shall be sold in a minimum 6-pack and wine in containers less than 16 ounces shall be sold in a minimum 4-pack.
12. That appropriate lighting and observation access to the shelves that house alcoholic beverages be provided.
13. That adequate means shall be provided for the collection of solid waste generated at the site and that all recyclable items shall be collected and properly disposed of to the satisfaction of the Integrated Waste Administrator of the City of Glendale. No trash containers shall be stored in any parking area.
14. That educational training for all employees and staff regarding the sales of alcoholic beverages shall be provided. Alcohol Beverage Control staff is available and can provide this training.
15. That the store may be open 24 hours, seven days a week and that sales of alcoholic beverages shall be limited to 6:00 a.m. to midnight, Sunday through Thursday and 6:00 a.m. to 2:00 a.m., Friday and Saturday, and the eve of Federal holidays. The northeast corner pedestrian access to the store may be closed between 11:00 p.m. and 6:00 a.m. In order to address security concerns and as acceptable to the Fire Marshall.
16. That if calls for Police service become problematic, the subject business will have dialogue with the Police Department as well as consider security measures including on-site security personnel for the facility and grounds.
17. Store display racks shall be positioned such that they are in a clear line of sight by management and staff with no restricting view.
18. Signs shall be posted clearly specifying no sales to minors or intoxicated persons.

19. Appropriate lighting for the display areas where alcoholic beverages would be sold is required.
20. That the proprietor and his/her employees shall make an active and conscientious effort to keep customers and employees from trespassing, loitering, or consuming an alcoholic beverage on the property, adjacent properties or otherwise making disturbances in the area.
21. The sale of beer, wine, and/or distilled spirits for consumption on the premises is strictly prohibited.
22. Signs indicating no loitering or trespassing shall be posted.
23. That the storage container occupying a total of four required vehicle parking spaces located between the delivery truck area and pharmacy drive thru lane shall be removed within three months after the date of the decision letter, by March 4, 2016. Required parking spaces shall be available and accessible.
24. That authorization granted herein shall be valid for a period of **FIFTEEN (15) YEARS UNTIL JANUARY 13, 2031.**

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 Permit Services Center (PSC) or the Community Development Department (CDD) upon request and must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **January 28, 2016**, at the Permit Services Center (PSC), 633 East Broadway, Room 101, Monday thru Friday 7:00 am to 12:00 pm, or at the Community Development Department (CDD), 633 East Broadway, Room 103, Monday thru Friday 12:00 pm to 5 pm.

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

TRANSFERABILITY

This authorization runs with the land or the use for which it was intended for and approved. In the event the property is to be leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions and/or limitations of this grant.

VIOLATIONS OF THESE CONDITIONS

Violations of conditions required by this determination may constitute a misdemeanor or infraction under section 1.20.010 of the Glendale Municipal Code (GMC) and/or a violation of other local, State or Federal laws or regulations. Unless a specific penalty is provided, any person convicted of a misdemeanor shall be punished by a fine not to exceed one thousand dollars (\$1,000.00), or imprisonment for a term not to exceed six (6) months, or by both fine and imprisonment. Infractions are punishable by a fine not exceeding the sum of five hundred dollars (\$500.00) for each violation. Violations of conditions required by this determination may be grounds for a revocation.

REVOCAION, CONTINUING JURISDICTION

Section 30.16.610 of the Glendale Municipal Code, 1995, provides for the Director of Community Development to have continuing jurisdiction over any Administrative Use Permit which is or has been granted and may revoke any Administrative Use Permit in whole or in part at any time for failure to comply with any condition or requirement imposed at the time of approval.

GMC CHAPTER 30.4 PROVIDES FOR

Termination

Every right or privilege authorized by an administrative use permit shall terminate two (2) years after the granting of such, unless the exercise of such right or privilege has commenced in good faith prior to such time, except as otherwise provided for.

Extension

An extension of the administrative use permit may be requested one time and extended for up to a maximum of one (1) additional year upon receipt of a written request from the applicant and demonstration that a reasonable effort to act on such right and privilege has commenced within the two (2) years of the approval date. In granting such extension the applicable review authority shall make a written finding that neighborhood conditions have not substantially changed since the granting of the administrative use permit.

Cessation

An Administrative Use Permit may be terminated by the review authority upon any interruption or cessation of the use permitted by the Administrative Use Permit for one year or more in the continuous exercise in good faith of such right and privilege.

NOTICE – subsequent contacts with this office

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the case planner. This would include clarification 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,
Phillip Lanzafame
Director of Community Development



Erik Krause
Planning Hearing Officer

EK::DJ:sm

Cc: City Clerk (K.Cruz); Police Dept. (Lt.S.Bickle/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section- (D.Nickles); Dir. Of Public Works (R.Golanian); Traffic & Transportation Section (W. Ko/S. Vartanian); General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (G. Tom/S. Boghosian); Glendale Water & Power--Electric Section (V. Avedian/B. Ortiz); Parks, Recreation and Community Services Dept. (T. Aleksanian); 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); and case planner Dennis Joe.