

July 12, 2016

Pacific Avenue Properties, LLC  
c/o Mr. Evan Farahnik  
450 North Roxbury Drive  
Beverly Hills, CA 90210

**RE: 707 NORTH PACIFIC AVENUE**  
Administrative Use Permit Case No. PAUP 1611313  
(Rite Aid)

Dear Mr. Farahnik:

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 off-site sale of alcoholic beverages at a proposed drugstore ("Rite Aid"), located at **707 North Pacific Avenue**, in the "C2"-Community Commercial Zone, described as Lot B of Parcel Map 102-69, in the City of Glendale, County of Los Angeles.

APPLICANT'S PROPOSAL

- 1) To allow the sale of alcoholic beverages for off-site consumption at a new drug store.

CODE REQUIRES

- 1) Approval of an Administrative Use Permit is required for retail sales of alcoholic beverages in the "C2" – Community Commercial Zone.

ENVIRONMENTAL DETERMINATION

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

REQUIRED/MANDATED FINDINGS

After thorough consideration of the statements contained in the application, the plans submitted therewith, the above analysis by Community Development Department staff, and any comments received from the public with respect to this application, the Director of Community Development has **APPROVED WITH CONDITIONS** this Administrative Use Permit application based on the following:

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

The sale of alcoholic beverages at a new drugstore ("Rite Aid") is consistent with the General Plan. Retail uses, including drugstores, are permitted in the C2 (Community Commercial) zone, consistent with the Community Services land use designation. The off-site sale of alcoholic beverages is an administratively permitted use in the C2 zone, subject to the approval of the Community Development Director. The sale of alcoholic beverages will be an accessory use to the new drugstore. The sale of alcoholic beverages will serve a public necessity or public convenience purpose for the area, given that the alcohol will augment the variety of household items, sundry goods and pharmacy items sold at the drugstore. The proposal is consistent with the Noise Element, given that the use will be fully conducted within the existing building and is not anticipated to result in any noise impacts. The project site is not identified as parkland by the Recreation Element. The development features no housing component that would be addressed by the Housing Element, and the proposed commercial building will be constructed to comply with all applicable Building & Fire Code standards that address any seismic, geological, and fire hazards identified in the Safety Element. Therefore, the proposal is consistent with the elements and objectives of the City's 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 sale of alcoholic beverages at the new market is not expected to be detrimental to the public health, safety, general welfare, or to the environment. The project site is located in census tract 3017.01, which allows for one off-sale ABC liquor licenses. There are currently two off-sale licenses in this tract and Rite Aid would be the third such license. Based on Part 1 crime statistics for census tract 3017.01 in 2015, there were 79 crimes – well below the city wide average of 178. The comments from the Police Department indicate this proposal is not anticipated to create any major concerns for law enforcement. Police submitted several suggested conditions which have been incorporated in the list of conditions

No service-related public facilities are located in the immediate area. The closest service-related public facilities are: Fire Station 26 at 1145 North Brand Boulevard (1.0 miles away) and Casa Verdugo Library at 1151 North Brand Boulevard (1.0 miles). The closest public schools are Columbus Elementary School at 425 West Milford Street (0.4 miles), Herbert Hoover High School at 651 Glenwood Road (0.8 miles), Toll Middle School at 700 Glenwood Road (0.9 miles). The closest church is Church of the Brethren located south of the

Ventura Freeway on the south-east corner of Pacific Avenue and Pioneer Drive. Fremont Park is located 0.2 miles west of the project site. Conditions restricting the individual unit sales of alcoholic beverages and the hours of alcoholic beverage sales have been proposed to reduce the potential for individuals to purchase one or two units and walk outside to consume them near the premises or in the park. As conditioned, the sale of alcoholic beverages as part of the drugstore use is not anticipated to be detrimental to the public health or safety, the 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 sale of alcoholic beverages will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property. The properties on all four corners of the Pacific Avenue and Burchett Street intersection are zoned C2 and feature low-scale commercial uses, while properties to the north-east and east are zoned R1 (single family residential). The proposed sale of alcoholic beverages as part of Rite Aid's business operation will not conflict with or negatively impact adjacent residential and commercial uses. The retail sales use (drugstore) is permitted by right. Rite Aid has been working with City staff from the Traffic & Transportation, Public Works Engineering and the Planning Divisions to ensure that the public right-of-way improvements on Burchett Street will improve circulation for eastbound traffic on Burchett Street and will have minimal impact on the adjacent residents to the west. Delivery trucks are conditionally prohibited from exiting westbound on Burchett Street and traveling through the residential neighborhood. Other conditions relating to traffic circulation have also been included as listed in the interdepartmental comments from the Public Works Department. These conditions for the off-site changes along Burchett Street will help reduce any additional traffic resulting from the new drugstores from traveling through the residential neighborhood. Aside from the traffic and circulation conditions relating to the new drugstore, the actual introduction of alcoholic beverages for sale for off-site consumption is not anticipated to cause any conflicts with surrounding development.

**D. That adequate public and private facilities, such as utilities, landscaping, parking spaces and traffic circulation measures are not 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 and are existing. Associated utilities exist within the public rights-of-way and are adequate to continue service to the building. The existing parking lot will be improved and once completed, the parking lot will feature 61 parking spaces, while 58 spaces are required by Code for the new 12,900 square feet (plus 1,661 square-foot mezzanine) drugstore (four spaces per 1,000 square feet of retail floor area). The parking demand is not anticipated to intensify with the sale of alcoholic beverages. The applicant's Administrative Use Permit request to sell alcoholic

beverages will not require any new city services, landscaping, or additional number of parking spaces; changes to the parking lot layout and traffic circulation have been coordinated with the Traffic & Transportation staff as part of the construction project and will adequately serve the proposed use without significantly impacting the adjacent residential neighborhood.

### **REQUIRED ADDITIONAL FINDINGS OF FACT FOR AN AUP FOR ALCOHOL SALES, SERVICE AND CONSUMPTION**

**That all the criteria set forth in Section 30.32.030 (E) to be considered in making the findings in subsection A. through D. above have 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. The Glendale Police Department noted no concerns with this proposal.
- 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 findings B and C.
- 4) That the proposed use does satisfy its transportation or parking needs, as described above in finding D; adequate access, parking and delivery spaces are available to serve this use.
- 5) That the proposed use does or will serve a public necessity or public convenience purpose for the area as evidenced by the incidental sale of alcoholic beverages at a new drugstore, as described above 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 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 of alcoholic beverages shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control.
4. That any expansion or modification of the facility or use which intensifies the existing business shall require a new Administrative Use Permit application. Expansion shall constitute adding floor area, increased hours of operation, changes to the use or operation, or any physical change as determined by the Director of Community Development.
5. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.
6. 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.
7. That no exterior signs advertising the sales of alcoholic beverages be permitted.
8. That the off-site sale of alcoholic beverages shall be incidental to the main use as a drugstore establishment.
9. That sale of alcoholic beverages shall be restricted to no later than 12:00 a.m. seven days a week.
10. That the individual unit sales of alcoholic beverages be restricted and that individual unit sales of beer be prohibited. No individual unit sales for wine less than a full-sized bottle should be allowed.
11. That the store should provide training for its personnel regarding sales to minors or intoxicated persons. Alcohol Beverage Control staff is available and can provide this training.
12. That signs be posted clearly specifying no sales to minors or intoxicated persons, and no loitering or trespassing.
13. That appropriate lighting for the display areas where alcoholic beverages would be sold shall be required.
14. That store display racks be positioned such that they are in a clear line of sight by management and staff with no restricting view and that they be appropriately lit.
15. 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.



16. That the delivery trucks shall follow the established delivery truck route and shall be prohibited from exiting the site westbound on Burchett Avenue and traveling through the residential neighborhood. No deliveries shall be permitted after 10 p.m.
17. That access to the premises shall be made available to all City of Glendale Planning and Neighborhood Services Divisions, Police Department, and Fire Department staff upon request for the purpose of verifying compliance with all laws and conditions of this approval.
18. That the drugstore adhere to the City's Fresh Air Ordinance, Title 15, Chapter 8.52 of the Glendale Municipal Code. The manager and/or staff shall be proactive in enforcing the Glendale Clean Air Act.
19. That a Business Registration Certificate be applied for and issued for a drugstore (retail) use with the sales of alcoholic beverages for off-site consumption, subject to the findings and conditions outlined in this decision letter.
20. That the authorization granted herein shall be valid for a period of **FIVE YEARS, JULY 12, 2021**, at which time, reapplication must be made.

## **APPEAL PERIOD**

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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 **July 27, 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 p.m. to 5 p.m.

**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.

Should you have any questions regarding this issue, please do not hesitate to contact the case planner, Vilia Zemaitaitis, at 818-937-8154 or [vzemaitaitis@glendaleca.gov](mailto:vzemaitaitis@glendaleca.gov).

Sincerely,

Philip Lanzafame  
Director of Community Development



Roger Kiesel  
Planning Hearing Officer

PL:RK:VZ: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-(J.Halpert); 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); Ana Limon-Starpoint Properties; and case planner – Vilia Zemaitaitis.