

December 1, 2016

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&

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**RE: 223 NORTH GLENDALE AVENUE  
ADMINISTRATIVE USE PERMIT NO. PAUP 1620431  
(Cost Plus World Market)**

Dear Sirs:

Pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.49, the Director of Community Development processed your application for Administrative Use Permit No. PAUP 1620431 to allow the continued sales of beer and wine for off-site consumption at an existing retail store/market (Cost Plus World Market) located at **223 North Glendale Avenue** in the "C2-II" –Community Commercial Zone - Height District II, described as Lots 1-4, Parcel Map No. GLN 1598, in the City of Glendale, County of Los Angeles.

**CODE REQUIRES**

(1) The sale of beer and wine for off-site consumption requires an Administrative Use Permit in the C2 (Community Commercial) Zone

**APPLICANT'S PROPOSAL**

(1) To allow the continued sales of beer and wine (Type 20) for off-site consumption at an existing retail store/market (Cost Plus World Market).

**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, this Administrative Use Permit application is **APPROVED WITH CONDITIONS**, based on the following:

**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 C2-II (Community Commercial) Zone and the General Plan Land Use Element designation is Commercial-Community Services. Goods and services that are offered in this zone generally attract clientele from the adjoining residential neighborhoods as well as the surrounding community. The sale of beer and wine for off-site consumption at this location is appropriate in an area of the city zoned for both residential and commercial uses and will continue to provide an option for the community to purchase beer and wine for off-site consumption.

The sale of beer and wine for off-site consumption at the existing retail store/market (Cost Plus World Market) will be consistent with the elements and objectives of the General Plan. The Land Use Designation of the site is Commercial-Community Services. These areas are generally located along the city's major arterials, like Glendale Avenue to allow for compatible and varied uses such as personal services, retails, and offices to provide services to the community. These streets are fully improved serving a multitude of businesses and residential developments. They can adequately handle the existing traffic circulation around the site. The applicant's request to continue the sale of beer and wine for off-site consumption is not anticipated to create any negative traffic-related impacts on East Wilson Avenue and North Glendale Avenue over and above the existing conditions.

The project site is already developed and the applicant's request is only to allow the continued sales of beer and wine for off-site consumption at the existing retail store/market. The existing retail store/market is surrounded by other complementary businesses, including retail and service uses to the east and north side of the project. Multi-family residential neighborhoods are located on the north (across California Avenue) and on the west side of the project site (across Isabel Street). No residential development directly abuts the subject site. The Land Use Element of General Plan is the most directly related to the approval of this use and no additions or modifications to the business are being proposed; therefore other elements of the General Plan, including Open Space, Recreation, Housing, and Noise Elements, will not be impacted as a result of the applicant's request. The subject business provides shopping opportunities to the surrounding community as intended by the General Plan. This application does not include any added floor area or modifications to the existing building; therefore, no increase in the demand for parking is expected. Adequate utilities, landscaping, and traffic circulation measures are already provided.

**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 beer and wine for off-site consumption at the existing retail store/market will not be detrimental to the health, safety and public welfare of the neighborhood. 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. Currently, there are five off-sale establishments located in this tract and Cost Plus World Market is one of the existing five licenses. Retail uses similar to the existing market frequently sell beer and wine for off-site consumption as part of their service. This ancillary service is not typically associated with public drunkenness or other

alcohol-related crimes. Based on Part 1 crime statistics for this Census Tract, there were 348 crimes, which is above the citywide average of 178 in 2015. Within the last calendar year, there was no call for police service at the location. The existing retail store/market with the sale of beer and wine for off-site consumption has been operating in this location for 12 years without any major incident. The Glendale Police Department did not cite any major concerns related to the continued sale of beer and wine at the existing retail store/market and it is unlikely that the proposed request will increase crime in the area above the existing conditions. Additionally, the Police Department has recommended conditions of approval to ensure that 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.**

It is not anticipated that the sale of beer and wine for off-site consumption at the existing retail store/market will be detrimental to the community or adversely conflict with the community's normal development. Since 2004, Cost Plus World Market has operated in this location with a conditional use permit to sell beer and wine for off-site consumption along with the sale of other home living and entertaining products, including home furniture, pottery, glassware, baskets, cookware, bath items, and some food products. The sale of beer and wine for off-site consumption has not caused any conflicts with surrounding developments in the past and it is not anticipated to have adversely conflicts with surrounding properties or uses in the future.

The subject property is surrounded by other businesses including retail and service type uses and residential neighborhoods on the north (across California Avenue) and on the west side of the subject property across Isabel Street. There are five schools, three churches, and a college within immediate area of the subject site. A-Plus Adventist Preschool and Glendale City Church at the west side of the subject property, across a driveway access to the subject parking area from California Avenue. Glendale University College of Law is located approximately 0.1 miles away from the subject site along Glendale Avenue. Kara Preschool and Zion Lutheran Church are located at the north side of the subject site, at intersection of North California Avenue and North Isabel Street. Allan F Daily High School and Cloud Preschool are located approximately 0.1 miles southwest of the subject site. First United Methodist Church is located approximately 0.2 miles away at the southwest side of the site at intersection of North Kenwood Street and East Wilson Avenue. Additionally, RD White Elementary School is located approximately 0.3 miles away at the northeast of the subject building. While these uses and facilities are within close proximity, the sale of beer and wine for off-site consumption at the existing retail store/market has not proven to impact the surroundings or abovementioned uses. The recommended conditions of approval will serve to mitigate any potential impacts on the surrounding properties and uses.

**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 continued sale of beer and wine for off-site consumption at the existing retail store/market will not result in inadequate public or private facilities. The project site is already developed and associated facilities are existing. The existing on-site parking has proven to meet the parking demand of the subject property and has not resulted in conflicts with nearby businesses or residential developments. The site

has access from Glendale Avenue, which is identified as a fully developed major arterial in The Circulation Element. The site also has access from Wilson Avenue, a minor arterial on the south side of the site and from California Avenue, an urban collector on the north side of the property. Urban collectors take traffic from local streets and distribute that traffic to the major/minor arterials and Glendale Avenue, a fully developed major arterial can adequately handle the existing traffic circulation adjacent to the site.

Moreover, the majority of the loading takes place in the shared dock area at the rear of the store, facing California Avenue. Therefore, the continued sale of beer and wine in this store for off-site consumption will not drastically increase traffic in the existing facility or in the surrounding area. Additionally, no expansion of the existing use is being proposed so no additional parking is required.

### **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 that 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. The sale of beer and wine for off-site consumption at the existing retail store/market does not, or will not, tend to encourage or intensify crime within this reporting district as 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 1 crimes, as reported by the Glendale Police Department, such use does not or will not tend to encourage or intensify crime within the district. As noted in Finding B above, the crime rate in Census Tract 3020.02 is 96% above the citywide average for Part 1 crimes. No evidence has been presented that the sale of beer and wine for off-site consumption at the existing retail store/market would encourage or intensify crime within the district. Conditions of approval are recommended by the Police Department to ensure that the approval of this AUP will not tend to encourage or intensify crime within the district.
- 3) That the existing or proposed use does not or will not adversely impact any other uses within the surrounding area (churches, public or private schools or colleges, day care facilities, public parks, libraries, hospitals or residential uses). As noted in Finding C above, there are five schools, three churches, and a college within the immediate area of the subject site. While these facilities and uses are within close proximity, the off-site sales, service, and consumption of beer and wine at the existing retail store/market has not proven to impact the surrounding or abovementioned uses since 2004. The existing retail store/market (Cost Plus World Market) has operated in this location for 12 years without adversely affecting or conflicting with adjacent uses and public facilities.

- 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 noted in Findings C and D above the applicant's request is not anticipated to increase the need for public or private facilities. The ancillary sale of beer and wine for off-site consumption at the existing retail store/market (Cost Plus World Market) is not anticipated to intensify traffic circulation or parking demand. The site is fully developed and adequate parking and loading facilities are currently provided.
- 5) That, notwithstanding consideration of the criteria in subsections 1 through 4 above, alcoholic beverage sales for off-site consumption does serve a public convenience for the area. The applicant's request for the continued sale of beer and wine for off-site consumption at the existing retail store/market (Cost Plus World Market) does serve a public convenience because it serves local residents, businesses, and the surrounding community. Conditions placed on the approval of the proposal 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, County 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, disturbing noise, disturbing light, loud conversation, and criminal activities.
4. That the sale of alcoholic beverages shall be limited to beer and wine.
5. That the subject establishment shall continue to sell a variety of items at the store as described in the application.
6. That the sale of beer and wine shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control (ABC).
7. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.
8. That all signs displayed shall conform to the requirements of the Glendale Municipal Code.
9. 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.

10. That at all times when the premises are open for business, the sale of beer and wine shall be made only in the areas as designated with the ABC license.
11. That the premises shall be operated in full accord with applicable State, County, and local laws.
12. That delivery vehicles making deliveries to the subject establishment shall not be parked or stopped illegally in the public right-of-way.
13. That the store shall provide training for its personnel regarding prohibiting sales to minors or intoxicated persons. Alcohol Beverage Control (ABC) staff is available and can provide for this training.
14. That signs be posted clearly specifying no sales to minors or intoxicated persons.
15. That appropriate lighting shall be required for the display areas where beer and wine are sold.
16. 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.
17. That the facilities shall not be rented, leased, or otherwise occupied for purpose not specified in this application.
18. That the sale of beer and wine for consumption on the premises is strictly prohibited.
19. That signs indicating no loitering or trespassing shall be posted.
20. That access to the premises shall be made available to all City of Glendale staff upon request for the purpose of verifying compliance with all laws and conditions of this approval.
21. That no signs advertising the availability of alcoholic beverages visible from outside the building (including window signs) shall be permitted.
22. That authorization granted herein shall be valid for a period of **TEN (10) YEARS UNTIL DECEMBER 1, 2026.**

#### **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 **December 16, 2016** at the Permit Services Center (PSC), 633 East Broadway, Room 101, Monday thru Friday 7:00 a.m. to 12:00 p.m., or at the Community Development Department (CDD), 633 East Broadway, Room 103, Monday thru Friday 12:00 p.m. to 5:00 p.m.

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

To save you time and a trip - please note that some of our FORMS are available on line and may be downloaded. AGENDAS and other NOTICES are also posted on our website. Visit us.

### **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 variances, administrative use permits, and conditional 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 (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, 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, Aileen Babakhani at (818) 937-8331 or [ababakhani@glendaleca.gov](mailto:ababakhani@glendaleca.gov).

Sincerely,  
Phil Lanzafame  
Director of Community Development

  
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Bradley Collin  
Planning Hearing Officer

BC:CB:AB:sm

CC: City Clerk (K.Cruz); Police Dept. (S.Bickle/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(J.Halpert); 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 (S. Mirzaians); 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 – Aileen Babakhani