

October 5, 2017

Jeffrey Zimmitti  
3459 ½ North Verdugo Road  
Glendale, CA 91208

**RE: 3459 ½ NORTH VERDUGO ROAD  
ADMINISTRATIVE USE PERMIT NO. PAUP 1711302  
(Rosso Wine Shop)**

Dear Mr. Zimmitti:

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 continued on-site sales, service, and consumption (wine tasting) and off-site sale of alcoholic beverages at an existing retail liquor store in the “C3” – Commercial Service Zone, located at **3459 ½ North Verdugo Road**, described as Lots 8 and 9, Block 28, Sparr Heights Tract, in the City of Glendale, County of Los Angeles.

#### CODE REQUIRES

(1) The on-site sales, service, and consumption of beer and wine (wine tasting) and off-site sales of alcoholic beverages requires an Administrative Use Permit in the C3 – Commercial Service Zone.

#### APPLICANT’S PROPOSAL

(1) To allow the on-site sales, service, and consumption of beer and wine (wine tasting) and off-site sales of alcoholic beverages at an existing liquor store.

#### ENVIRONMENTAL DETERMINATION

The project is exempt from CEQA review as Class 1 “Existing Facilities” exemption pursuant to State CEQA Guidelines Section 15301 (e), because the discretionary permit request is to continue alcohol sales to an existing liquor store.

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/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 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 C3 (Commercial Service) Zone and the General Plan Land Use Element designation is Community Services. Goods and services that are offered in this zone generally attract clientele from the adjoining residential neighborhoods. The sales, service, and consumption of alcoholic beverages within an existing liquor store at this location is appropriate in an area of the city zoned for commercial uses and will continue to provide an option for the public to purchase alcoholic beverages.

The continued on-site sales, service, and consumption (wine tasting) and off-site sale of alcoholic beverages at the liquor store will be consistent with the elements and objectives of the General Plan. The land use designation of the site is Community Services where retail services along a major arterial, such as North Verdugo Road, are desired. The project site is already developed and the applicant's request is to allow the continued on-site sales, service, and consumption (wine tasting) and off-site sale of alcoholic beverages at the existing liquor store. A restaurant use that serves alcoholic beverages abuts the subject site. Commercial uses adjoin the project site and should not be affected by the use since no changes in its operation are proposed and there have not been any complaints in the past regarding this business. Because this request is only for the sales, service, and consumption of alcoholic beverages at an existing liquor store, 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. This application does not include any added floor area or modifications to the existing building; therefore, there will be no increase in required parking for the use. Adequate utilities, landscaping, and traffic circulation measures are already provided.

The Circulation Element identifies North Verdugo Road as a major arterial. The liquor store has been operating since 2006. No changes in its operation are proposed as a result of this application. North Verdugo Road can adequately handle the existing traffic circulation around the site and this project will not result in additional traffic generation. The applicant's request to serve alcoholic beverages within the liquor store is not anticipated to create any negative traffic-related impacts on North Verdugo Road 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 continued on-site sales, service, and consumption (wine tasting) and off-site sale of alcoholic beverages at the existing liquor store 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 3006 where the suggested limit for off-sale alcohol establishments is five and on-sale is seven. Currently, there are 32 on-sale and eight off-sale establishments located in this tract and "Rosso Wine Shop" is one of the 32 on-sale and one of the eight off-sale existing licenses. This application, therefore, will not increase the number of on-sale or off-sale establishments. Based on Part 1 crime statistics for the Census Tract, there were 225 crimes in 2016, 15.9% above the citywide average of 194. This elevated crime rate may be a result of the surrounding area being heavily commercial in nature. Within the last calendar year, there were no calls for police service at the existing wine shop.

**C. That the use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property.**

The continued on-site sales, service, and consumption (wine tasting) and off-site sale of alcoholic beverages at the existing liquor store will not be detrimental to the community or adversely conflict with the community's normal development. Since 2006, "Rosso Wine Shop" has operated without any major incidents. Their request to allow the continued on-site sales, service, and consumption (wine tasting) and off-site sale of alcoholic beverages is not anticipated to adversely conflict with surrounding properties as it has not been detrimental in the past and no changes in operation are proposed. The subject property is located near other businesses, including a restaurant serving alcoholic beverages. The consumption of alcoholic beverages at the existing liquor store will not conflict with adjacent or nearby land uses.

Montrose Community Park located at 3529 Clifton Place (less than 0.1 miles away), is the only public facility within the immediate area of the subject site. While the park is within close proximity, the applicant's request will not impede the operation of such use since they are not directly adjacent to the liquor store.

**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 service of alcoholic beverages at the liquor store will not result in inadequate public or private facilities. The project site is already developed and associated facilities are existing. Rosso Wine Shop has been operating at this location since 2006. No changes in operation are proposed. The existing on-site parking has proven to meet the parking demand of the business and has not resulted in conflicts with nearby businesses or residential uses. North Verdugo Road, as identified in the Circulation Element, is a fully developed major arterial 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 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 and 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 3006 is 15.9% above the city average for Part 1 crimes.

No evidence has been presented that would indicate that the continued on-site and sales, service, and consumption (wine tasting) and off-site sale of alcoholic beverages at the subject site would 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 is one public facility near the project site. While this facility is within close proximity to the park, it is on the opposite side of a busy street (Verdugo Road). Additionally, Rosso Wine Shop has not negatively impacted the park in the past and the operation of this business will not change as a result of the current request.
- 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 operation of the business will not change as a result of the application and therefore an increase in traffic or need for parking is not anticipated. 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, service, and on-site consumption and off-site sales does serve a public convenience for the area. The applicant's request to allow the on-site sales, service, and consumption and off-site sales of alcoholic beverages at an existing liquor store does serve a public convenience 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, County, or City authorities, including the City Clerk, shall be obtained and kept current at all times.
3. That at all times when the premises are open for business, the sales and service of alcoholic beverages shall be made only in the areas designated with an Alcoholic Beverage Control (ABC) license. Consumption of alcoholic beverages will only be on those same licensed areas.
4. That the sales and 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 wine shop shall remain open to the public during business hours.
6. That the wine shop shall adhere to the City's Fresh Air Ordinance, Title 8, Chapter 8.52 of the Glendale Municipal Code.
7. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.
8. That the facilities shall not be rented, leased, or otherwise occupied for purposes not specified.
9. 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.
10. That any expansion or modification of the facility or use which intensifies the existing 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.
11. That the front and back doors to the wine shop shall be kept closed at all times while the location is open for business, except in case of emergency.
12. That no exterior signs advertising the service of alcoholic beverages shall be permitted.
13. That all signs displayed shall conform to the requirements of the Glendale Municipal Code.
14. That there shall be no video machine(s) maintained on the premises.
15. 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.
16. That the sale, service, and consumption of alcoholic beverages shall be permitted only between the hours of 11:00 a.m. to 11:00 p.m. each day of the week.
17. That a Business Registration Certificate shall be applied for and issued for a liquor store with on-site sales, service, and consumption of beer and wine as well as off-site sales subject to the findings and conditions outlined in this decision letter.
18. That authorization granted herein shall be valid for a period of **TEN (10) YEARS UNTIL OCTOBER 5, 2027.**

## 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 **OCTOBER 20, 2017**, 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>

## 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

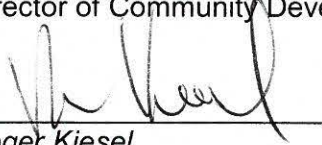
An Administrative Use Permit may be terminated by the review authority upon any interruption or cessation of the use permitted by the Administrative Use Permit for one year or more in the continuous exercise in good faith of such right and privilege.

**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, Daniel Manasserian at (818) 937-8159 or [dmanasserian@glendaleca.gov](mailto:dmanasserian@glendaleca.gov).

Sincerely,  
Philip Lanzafame  
Director of Community Development



*Roger Kiesel*  
Planning Hearing Officer

RK:DM: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 (P.Casanova); General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (G. Tom/S. Boghosian/R.Takidin); Glendale Water & Power--Electric Section (B. Alshanti/B.Ortiz/E.Olsen); Parks, Recreation and Community Services Dept. (T. Aleksanian); Neighborhood Services Division (R.Sada/J.Jouharian/); Integrated Waste Management Admin. (D. Hartwell); Maintenance Services Section Admin. (D. Hardgrove/J.Cawn); Street and Field Services Admin.; Engineering and Environmental Management (C.Chew/R. Villaluna); and case planner – Danny Manasserian.