



CITY OF GLENDALE, CALIFORNIA

Community Development
Planning

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February 29, 2024

Aisar Korkis
The Cigar Empire Inc.
2435 Honolulu Avenue #B
Glendale, Ca 91020

**RE: 2435 HONOLULU AVENUE - #B
ADMINISTRATIVE USE PERMIT CASE NO. PAUP-002654-2023
(THE CIGAR EMPIRE)**

Dear Mr. Korkis:

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 LicenseType 21) at an existing cigar retail shop (The Cigar Empire) located at **2435 Honolulu Avenue - #B**, in the "CR" - Commercial Retail Zone, described as Lot 325, Tract No. 1701 in the City of Glendale, County of Los Angeles.

CODE REQUIRES

- (1) The sale of alcoholic beverages requires an Administrative Use Permit in the CR Zone (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 cigar shop.

ENVIRONMENTAL DETERMINATION

The project is exempt from CEQA review as a Class 1 "Existing Facilities" exemption, pursuant to State CEQA Guidelines Section 15301, 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, all of the required four findings can be made in support of the application. The Director of Community Development has **GRANTED WITH CONDITIONS** your application based on the following findings:

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

The applicant is requesting to sell alcoholic beverages for off-site consumption (ABC License Type 21) at an existing 850 square foot retail cigar shop (Cigar Empire). The proposed addition of alcoholic beverage sales for off-site consumption will be consistent with the elements and objectives of the General Plan. The subject site is located within the "CR" Commercial Retail Zone, and the General Plan Land Use Element designation as a Regional Commercial.

The subject site is located within a commercial area, surrounded by retail stores, counter and full-service restaurants, and personal services. The sale of alcoholic beverages for off-site consumption at this location is permitted within the "CR" Commercial Retail Zone of the City since it is zoned for commercial uses and will provide an option for the community and clients to purchase alcoholic beverages for off-site consumption. Retail and service uses are permitted in the "CR" Commercial Retail Zone and are consistent with the Regional Commercial land use designation. The Land Use Element is the most directly related to the approval of this use and the other elements of the General Plan, including the Open Space, Recreation, Housing, and Noise Elements, will not be impacted because of the applicant's request. This application does not include any added floor area or modifications to the existing tenant space, therefore, there will be no increase in the required parking for the use.

The Circulation Element identifies Honolulu Avenue as a Minor Arterial. Honolulu Avenue can adequately handle the existing traffic circulation around the site. The project site is surrounded by commercial and residential uses and the applicant's request to allow the off sale of alcoholic beverages is not anticipated to create any negative traffic related impacts on these streets and the surrounding uses 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 sale of alcoholic beverages for consumption off the premises at an existing cigar shop 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 3006.02 where the suggested limit for off-sale alcohol establishments is two. Currently, there are 4 off-sale establishments located in this tract and Cigar Empire will bring the total licenses to 5 in this Tract. Based on Part 1 crime statistics for this Census Tract, there were 85 crimes in 2021, 49 percent below the citywide average of 167. Within the last calendar year, there were 2 calls for police service at this location. No report was prepared for the calls. Currently, there is no "active" or "pending" liquor license for this location, per the ABC website as noted by the Glendale Police Department. The Glendale Police Department did not cite any concerns with the applicant's request to allow the sale of alcoholic beverages for off-site consumption 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.

It is not anticipated that the applicant's request to provide the sale of alcoholic beverages for off-site consumption will be detrimental to the community or adversely conflict with the community's normal development of surrounding properties, as conditioned. The existing retail space is surrounded by other complementary businesses, including restaurants, retail and service uses. Montrose Library is located at 2465 Honolulu Avenue (0.08 miles) and the Third Church of Christ Scientist is located at 2406 Honolulu Avenue (0.06 miles). The subject property borders Los Angeles County to the north. Armenian Sisters Academy is located at 2361 Florencita Avenue (0.2 miles) and Montrose Church of the Nazarene is located at 2409 Florencita Avenue (0.1 miles). Both institutions are located within Los Angeles County boundaries. While these facilities and uses are within close proximity, given their orientation in relation to the subject

property and the nature of alcoholic beverage sales for consumption off premises, it is not anticipated that the applicant's request will impede their existing operations.

The proposed incidental sale of alcoholic beverage within an existing cigar shop is not anticipated to cause any conflicts with surrounding development in the future and will not adversely impact existing facilities, property values, or developments within the surrounding area. There were no concerns or comments submitted by the Police Department or Neighborhood Services Division that would indicate that the approval of a Type 21 Alcoholic Beverage Control license for the existing cigar shop would have a negative impact on the surrounding area, and the proposed conditions of approval will serve to mitigate any potential negative impacts on the surrounding properties.

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 Administrative Use Permit request for the sale of alcoholic beverages for off-site consumption will not require any new city services nor will it require any changes to the landscaping, parking or traffic circulation. The commercial building was first built in 1946 and has retail/service establishments. The uses at this location will continue to be serviced with utilities for water, electricity, sewer, and trash. For the current request, the ability to sell alcoholic beverages at the cigar shop for off-site consumption will remain an ancillary use and is not anticipated to increase the need for public or private facilities. No changes are anticipated for the parking demand, as the request does not propose to additional floor area to the building. The Circulation Element identifies Honolulu Avenue as a Minor Arterial. These streets are fully developed and can adequately handle the existing traffic circulation around 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 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 (ABC), 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 as described 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 citywide 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 proposed operation of the existing cigar retail shop 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.

RESPONSES TO COMMUNITY INPUT RECEIVED DURING COMMENT PERIOD

During the public comment period staff received one email expressing concerns about the requested Administrative Use Permit application for off sale of alcoholic beverages. The commenter expressed general concerns regarding alcohol sales in the neighborhood and the negative effects on the community. Another member of the public called inquiring information about the public notice and what the public notice information was. The caller did not provide any comments or concerns about the application or the use.

Staff Response:

The Administrative Use Permit application was originally routed to the Police Department and Neighborhood Services Division for review and comments when it was first submitted and prior to the public noticing for public comments. Neither the Police Department nor Neighborhood Services Division cited any concerns with the request to allow the sale of alcoholic beverages for off-site consumption at an existing retail cigar shop and suggested conditions of approval have been included to mitigate any potential negative impacts.

CONDITIONS OF APPROVAL

APPROVAL of this **Administrative Use Permit** shall be subject to the following:

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, 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.

4. 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, increased hours of operation, changes to the use or operation, or any physical change as determined by the Director of Community Development.
5. That at all times when the premises are open for business, the sales of any alcoholic beverage shall be made only in the areas designated with an Alcoholic Beverage Control (ABC) license.
6. That the sale of alcoholic beverages for consumption on the premises is strictly prohibited.
7. 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.
8. 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.
9. That the hours of operation for the sales of alcoholic beverages shall be 9:00 a.m. to 9:00 p.m. Monday through Saturday and 10:00 a.m. to 6:00 p.m. on Sundays in conjunction with the hours of operation for the cigar shop.
10. That individual unit sales of alcoholic beverages should be restricted. No individual unit sales for beer should be allowed. No individual unit sales for wine less than a full-sized bottle should be allowed. This can reduce the potential for individuals to buy one or two units and walk outside to consume them on or near the premise.
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 the store display racks should be positioned such that they are in a clear line of sight by management and staff with no restricting view.
13. That signs should be posted clearly specifying no sales to minors or intoxicated persons.

14. That signs indicating no loitering or trespassing should be posted.
15. That appropriate lighting for the display areas where alcoholic beverages would be sold shall be required.
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 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.

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.

All appeals must be filed using the City's online permit portal: www.glendale.gov/Permits. Create an account, click "Apply," type "appeal" in the search bar, and apply for "Appeal of Planning Decision." Any appeal must be filed within fifteen (15) days following the actual date of the decision with the prescribed fee prior to the expiration of the 15-day appeal period, on or before **MARCH 15, 2024**. Information regarding appeals and appeals and fees may be obtained by calling the Community Development Department staff at 818.548.2115, or contacting the case planner, Shoghig Yepremian at syepremian@glendaleca.gov or 818.937-8135.

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 Exception 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 Use Permit.

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 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

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over Administrative Use Permits. To consider the revocation, the Director of Community Development shall hold a public hearing after giving notice by the same procedure as for consideration of a administrative use permits at least ten (10) days' notice by mail to the applicant or permittee.

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 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, Shoghig Yepremian, during normal business hours at her direct line (818) 937-8135 or via email at syepremiani@glendaleca.gov, between 8:00 a.m. to 5:00 p.m. weekdays.

Sincerely,
Bradley Calvert
Director of Community Development



Vista Ezzati
Planning Hearing Officer

VE:SY:sm

CC: City Clerk (K. Cortes); Police Dept. (A. Krikorian/Z. Avila); City Attorney's Dept. (G. Van Muyden/Y. Neukian); Fire Prevention Engineering Section-(J. Diaz/S. Partamian/D. Stimson); Traffic & Transportation Section (P. Casanova/S. Roudsari); General Manager for Glendale Water and Power (M. Young); Glendale Water & Power--Water Section (S. Boghosian/E. Hakoupiani/ /K. Runzer); Glendale Water & Power--Electric Section (C. Babakhanlou/S. Boghosian/E. Hakoupiani); Parks, Recreation and Community Services Dept. (T. Aleksanian/A. Limayo); Neighborhood Services Division (J. Sada); Integrated Waste Management Admin. (D. Hardgrove); Maintenance Services/Street and Field/Urban Forester (L. Klick/, C. Linares/ O. Urquidez); Engineering and Land Development (A. Avazian/S. Oganesyanyan/R. Villaluna); and case planner-Shoghig Yepremian.