**May 6, 2024**

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426 Culver Boulevard

Playa Del Rey, CA 90293

**RE: 125 N. Central Avenue**

**ADMINISTRATIVE USE PERMIT CASE NO. PAUP-003120-2024**

The Director of Community Development will render a final decision on or after **June 5 2024**, for the following project:

**Project proposal:**  Application for an Administrative Use Permit (AUP) to allow the off-site sales of alcoholic beverages (Type 21) at an existing 15,137 square foot pharmacy and drugstore (CVS) located in Downtown Specific Plan/ Transitional District (DSP/TD).

**STAFF RECOMMENDATION: APPROVE WITH CONDITIONS**

**DRAFT 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, 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 service 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 offsite sales of alcoholic beverages 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 7:00 a.m. to 12:00 a.m. (Midnight) Monday through Sunday.
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.

**PROJECT BACKGROUND**

**Previous Permits for the Site:**

* On April 8, 2014, the Glendale City Council approved a Conditional Use Permit Case No. 72845, for a period of ten years until April 8, 2024. The approval had 25 conditions including alcoholic beverage sales hours between 10:00 am to 11:00 pm. Monday through Sunday.
* On April 8, 2014, the Glendale City Council approved a Variance to allow a drive-through for the CVS pharmacy.
* In 2015, a building permit (BB1417486) was issued for the existing mixed-use project (residential and commercial).
* In 2017, a tenant improvement permit (BB1521967) was issued for the CVS pharmacy.
* In 2018, a Certificate of Occupancy was issued for the entire project.
* CVS Pharmacy and Drugstore has an active Business Registration Certificate (BRC #3312845).

**Related Concurrent Permit Application(s):** None on file.

**Environmental Recommendation:**

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-sale of alcoholic beverages at an existing pharmacy and drugstore and there is no added floor area proposed.

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**General Plan/Specific Plan:**

Downtown Specific Plan/Transitional District (DSP/TD)

**Zone:**

Downtown Specific Plan/Transitional District (DSP/TD)

**Description of existing property and uses:**

The subject site, 1.36 acres, is currently developed with a mixed-use development (residential and commercial). The existing CVS pharmacy and drug store space is 15,137 square feet with a 2,390 square foot mezzanine space. The site contains 2 levels of subterranean parking for the residential uses and 51 surface parking spaces (exclusively dedicated to CVS) including a drive through access from Wilson Avenue and Broadway via an alley.

**Neighboring zones and uses:**

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| --- | --- | --- |
|  | **Zoning** | **Existing Uses** |
| **North** | DSP/TD/R1250 PS/R1250 | Commercial – Retail and service uses.  Residential- Parking and Multi-Family |
| **South** | DSP/TD | Commercial – Retail and service uses |
| **East** | DSP/BC | Commercial – Retail and service uses |
| **West** | DSP/TD | Residential – Multi family |
| **Project Site** | DSP/TD | Mixed Use (residential & commercial development) |

**COMMENTS FROM OTHER CITY DEPARTMENTS:** No major concerns were received from the various City divisions/departments for the retailer to sell off-site alcoholic beverages. Conditions were received from the Police Department to ensure that any potential negative impacts will be appropriately mitigated.

**PROJECT ANALYSIS**

The applicant is requesting approval of an Administrative Use Permit (AUP) to allow the continued off-site sales of alcoholic beverages (Type 21) at an existing pharmacy and drugstore (CVS). The site was approved for development in 2014 as a mixed-use project (residential and commercial) which included a CVS pharmacy and drugstore on the ground level. A Conditional Use Permit was approved in 2014 which allowed the off-site sales of alcoholic beverages (ABC Type 21) at this location. The CUP approval in 2014 included 25 conditions. One of the conditions required the applicant to renew the CUP after 10 years. The applicant has filed an AUP application instead since the code changed from a CUP to an AUP approval after 2014. The applicant is also requesting a condition amendment to condition #6 to allow additional hours to sell alcoholic beverages at this location. The applicant would like to modify the condition to read as follows: That the sales of alcoholic beverages shall be limited between the hours of 7:00 a.m. and 12:00 a.m. (midnight) Monday-Sunday.

The subject site is located in the Downtown Specific Plan/Transitional District. Goods and services offered in this zone generally attract clientele from the adjoining residential neighborhoods as well as the surrounding community. The off-site sales of alcoholic beverages within an existing pharmacy and drugstore at this location is appropriate in an area of the city zoned for various commercial uses and approval of the AUP will continue to provide the option for alcohol purchases.

The continued off-site sales of alcoholic beverages at a retail drugstore will be consistent with the objectives of the Downtown Specific Plan. This particular block is designated as Transitional District where retail and restaurant services, as well as mixed uses are encouraged. The project site is already developed with a mixed-use building and the applicant’s request is to allow the continued off-site sales at an existing drug store. The project site is surrounded by other complementary businesses, including retail and service type uses.

The Downtown Specific Plan regulates the zoning and land uses of this site. All other elements of the General Plan, including Open Space, Recreation, Housing, Circulation 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 this use. The proposal to continue the off-site sales of alcoholic beverages as an ancillary use will not impact the existing parking or other on-site conditions. The existing 51 on-site parking spaces will serve the parking demand for the retail use on the property and therefore, will not result in conflicts with nearby businesses or residential development. The applicant’s request to allow the continued use of off-site sales of alcoholic beverages at a pharmacy and drugstore is not anticipated to create any negative traffic-related impacts on Central or Wilson Avenues over and above the existing conditions.

The off-site sales of alcoholic beverages at an existing drug store/pharmacy will not be detrimental to the safety and public welfare of the neighborhood in general. According to the Glendale Police Department, the subject property is located in Census Tract 3018.02 where the suggested limit is for 3 off-site sales establishments. Currently, there are 5 licenses located in this tract. CVS Pharmacy is one of the existing 5 licenses. Based on arrests and Part 1 crime statistics for census tract 3018.02, there were 418 crimes, 32% above the city-wide average of 317 in 2023. According to the Police Department, within the last calendar year, there were 70 calls for police service at the location. Although there were many calls for police service, none of the calls were directly related to alcohol sales. Most of the calls were reported thefts and false alarm calls. According to the Police Department, CVS Pharmacy has an “active” Type 21 (Off-Sale General) liquor license, license #573281 per the ABC website.

The off-site sales at an existing pharmacy and drug store are not anticipated to be detrimental to the community or adversely conflict with the community’s normal development. The continued sales of alcoholic beverages at the pharmacy/drug store will not conflict with the adjacent land uses and will be ancillary to the primary drug store. There is existing multi-family residential development to the west of the property. The Glendale Masonic Center is located at 244 N. Maryland Avenue, southeast corner of California and Maryland Avenues, is 0.4 miles away from the subject site. The American Baptist Church is located at 209 N. Louise Street and is 0.3 miles from the subject site. First United Methodist Church is located at 134 N. Kenwood Street and is 0.4 miles from the subject site. First Evangelical Church is located at 522 W. Broadway and is located at 0.4 miles from the subject site. Glendale Presbyterian Church is located at 125 S. Louise and is 0.4 miles from the subject site. Glendale Central Park is located at the northwest corner of Colorado and Louise Streets is located at 0.3 miles from the subject property. While these facilities and uses are within close proximity, given their orientation in relation to the subject property and the nature of sales as part of a drugstore, it is not anticipated that the applicant’s request will impede their existing operations.

Overall, the applicant’s request to allow the continued off-site sales of alcoholic beverages at an existing retail store and to modify the hours of operation, is supportable based on the facts surrounding this application and the findings.

**DRAFT FINDINGS**

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

The applicant is requesting to continue the off-site sales of alcoholic beverages at an existing pharmacy/drugstore which was originally approved in 2014 by the Glendale City Council through the Conditional Use Permit (CUP) process. The continued use will be consistent with the elements and objectives of the Downtown Specific Plan and the General Plan. The subject site is located within Downtown Specific Plan/Transitional District (DSP/TD).

The subject site is located within a commercial area, surrounded by retail stores and personal services. Full alcoholic beverage off-site sales at this location is permitted within the Downtown Specific Plan/Transitional District of the City through an Administrative Use Permit (AUP) 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 “DSP/TD” Zone and are consistent with the Transitional District land use designation. The Downtown Specific Plan 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, Circulation, 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 Central Avenue as a Major Arterial and Wilson Avenue as a Minor Arterial. Both of these streets 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 continued off-site sales 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.

1. **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 off-site consumption 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 3018.02 where the suggested limit is for 3 off-site sale establishments. Currently, there are 5 licenses located in this tract. CVS Pharmacy is one of the existing 5 licenses. Based on arrests and Part 1 crime statistics for census tract 3018.02 in 2023, there were 418 crimes 32% above the city-wide average of 317. According to the Police Department, within the last calendar year, there were 70 calls for police service at the location. Although there were many calls for police service, none of the calls were directly related to alcohol sales. Most of the calls were reported thefts and false alarm calls. Per the ABC website, CVS Pharmacy has an “active” Type 21 (Off-Sale General) liquor license, license #573281.

The Glendale Police Department did not cite any concerns with the applicant’s request to continue the existing off-site sales of alcoholic beverages at this location and suggested conditions of approval have been included to mitigate any potential negative impacts.

1. **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 off-site sales of full alcoholic beverages will be detrimental to the community or adversely conflict with the community’s normal development of surrounding properties, as conditioned. The existing tenant space is surrounded by various commercial uses that features other complementary businesses, including retail and service uses. It is not anticipated that any negative impacts to the community would occur based on the applicant’s request to continue the sales for off-site consumption. The proposal and incidental sales of alcoholic beverages 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. The Glendale Masonic Center is located at 244 N. Maryland Avenue, southeast corner of California and Maryland Avenues, is 0.4 miles away from the subject site. The American Baptist Church is located at 209 N. Louise Street and is 0.3 miles from the subject site. First United Methodist Church is located at 134 N. Kenwood Street and is 0.4 miles from the subject site. First Evangelical Church is located at 522 W. Broadway and is located at 0.4 miles from the subject site. Glendale Presbyterian Church is located at 125 S. Louise and is 0.4 miles from the subject site. Glendale Central Park is located at the northwest corner of Colorado and Louise Streets is located at 0.3 miles from the subject property. While these facilities and uses are within close proximity, given their orientation in relation to the subject property and the nature of sales as part of a drugstore, it is not anticipated that the applicant’s request will impede their existing operations.

There were no concerns or comments submitted by the Police Department or Neighborhood Services Division that would indicate that the continued approval of a Type 21 Alcoholic Beverage License for the existing pharmacy/drug store 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 off-site sales will not require any new city services, nor will it require any changes to the landscaping, parking or traffic circulation. The mixed use (commercial and residential) building was built in 2018 and had a retail/service establishment. The existing uses at the location will be serviced with utilities for water, electricity, sewer, and trash. For the current request, the ability to sell alcoholic beverages at the CVS Pharmacy will remain a complementary 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 add additional floor area to the building. The surrounding neighborhood is also developed with adequate public and private facilities and infrastructure. The Circulation Element identifies Central Avenue as a Major Arterial and Wilson 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 is 32 percent above the citywide average of 317 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 existing retail operation with the sale of alcoholic beverages for off-site sale 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.

***For more information or to submit comments, please contact the case planner, Shoghig Yepremian, at 818-937-8135 or*** [***syepremian@glendaleca.gov***](mailto:syepremian@glendaleca.gov)***.***

**ATTACHMENT:**

1.Location Map

2. Reduced Plans

3. Departmental Comments