

December 20, 2016

Stephen Kooshian
816 West Colorado Boulevard, Apartment B
Monrovia, CA 91016

**RE: 1302 SOUTH BRAND BOULEVARD
CASE NO. PCUP 1622327
(Pacific Plate Brewing Company Tap Room)**

Dear Mr. Kooshian:

On December 14, 2016 the Planning Hearing Officer conducted and closed a public hearing, pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.42, on your application for a conditional use permit to operate a Tavern in the "CA" - (Commercial Auto) zone, located at **1302 South Brand Boulevard**, described as Lot 1, Tract 5268 in the City of Glendale, County of Los Angeles.

APPLICANT'S PROPOSAL

Conditional Use Permit

- 1) To operate a Tavern.

CODE REQUIRES

Conditional Use Permit

- 1) A conditional use permit application is required for a tavern in the CA zone (G.M.C. 30.12.020 B, Table 30.12-A)

ENVIRONMENTAL RECOMMENDATION

This 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 report by the Community Development Department staff thereon, and the statements made at the public hearing with respect to this application, the Planning Hearing Officer has **GRANTED WITH CONDITIONS** your application based on the following:

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

The proposed tavern, "Pacific Plate Brewing Company Tap Room," located at 1302 South Brand Boulevard will be consistent with the elements and objectives of the General Plan. "Pacific Plate" is located in an area which is intended to accommodate the maintenance and expansion of vehicle dealers while still providing for alternate complementary commercial uses. This district is designed to be an attractive, pedestrian-friendly urban auto row with a mix of commercial uses to ensure the future vitality of uses within the district. Taverns are a conditionally permitted use within the Commercial Auto zone, and therefore, consistent with the land use designations. The applicant's request to operate a tavern offering the on-site sales, service, and consumption, and off-site sales of beer (Pacific Plate Brewing beer only) would be in keeping with the goals of the area to promote business and pedestrian-friendly commercial uses.

The Land Use Element of the Glendale General Plan designates the subject site as Community Services. The subject site is in a commercial area along South Brand Boulevard (identified as a Major Arterial in the Circulation Element), just south of East Cypress Street (identified as a local street in the Circulation Element) that is suitable for this type of use. The operation shall be required to comply with the City's Noise Ordinance (Chapter 8.36 Noise Control) and, as such, will be consistent with the Noise Element. Given that the project site is already developed and the conditional use permit application only requests the on-site sales, service and consumption, and off-site sales of beer at a proposed tavern, no other elements of the General Plan, including the Open Space, Recreation and Housing Elements will be impacted as a result of the tavern. Therefore, the proposed use is in keeping with the various elements and objectives of the 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 proposed tavern will not be detrimental to the public health or safety, the general welfare, or the environment. The proposal includes a retail storefront that will offer only Pacific Plate craft beer for on-site sales, service, and consumption, and off-site sales. Pacific Plate has been brewing in Monrovia, CA and based on their pending Type 23 License with the State Department of Alcoholic Beverage Control, as a Small Beer Manufacturer, this license allows the manufacturer to sell their product at 6 additional locations. The applicant's request for a conditional use permit for a tavern in the Commercial Auto zone is not anticipated to be detrimental to the public health or safety, the general welfare, or the environment, as conditioned. The existing building is mixed-use where residential uses exist on the second floor with two commercial tenant spaces on the ground floor, one of which is an existing tavern. There are residential uses along Cypress Street to the east, though not directly abutting the proposed use. The existing adjacent commercial tenant space has operated as a tavern for many years offering on-site consumption of alcoholic beverages. The existing residential units on the second floor have co-existed with that tavern for many years without detrimental impacts to the public health, safety, general welfare, or the environment. Therefore, as proposed, the new tavern, Pacific Plate Brewing Company Tap Room, offering on-site sales, service and consumption and off-site sales of beer will not impact the existing residential uses on-site and nearby uses.

According to the Glendale Police Department the proposed tavern is located in Census Tract 3025.05. The suggested limit for this census tract is three on-sale and two off-sale establishments. There are currently five on-sale and five off-sale licenses in this tract. Based on Part 1 crime statistics for census tract 3025.05 in 2015, there were 126 crimes, which is below the citywide average of 178. Suggested conditions made by the Police Department have been included in the draft conditions of approval to ensure that any potential negative impacts will be appropriately mitigated.

C. 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 for a tavern in the Commercial Auto Zone will be detrimental to the community or adversely conflict with the community's normal development. The location previously operated as a coffee shop/fast food restaurant. The adjacent business (on the same site) is the 1300 Bar, an existing tavern. The area surrounding the subject site along South Brand Boulevard is home to a variety of commercial establishments including vehicle sales, retail/services and restaurants. There is an existing tavern use occupying the adjacent commercial tenant space, which offers the on-site sales, service and consumption of alcoholic beverages. The existing tavern use has not had a significant detrimental effect or proven disruptive to the existing residential uses on-site and surrounding uses. Similarly, the proposed tavern is not expected to negatively impact the on-site residential or nearby uses. Furthermore, the recommended conditions of approval will ensure that the new tavern will not become a nuisance nor be detrimental to the public or existing residential uses on-site.

The closest public facilities are as follows:

- Glendale Christian Church at 117 E Los Feliz Rd (.1 miles south)
- New Apostolic Church at 206 W Cypress St (.1 miles west)
- Fire Station 22 at 1201 S Glendale Ave (.3 miles northeast)
- Cerritos Mini-Park at 3690 S Brand Blvd (.3 miles south)
- Cerritos Elementary School at 120 E Cerritos Ave (.3 miles south)
- Glendale Memorial Hospital at 1420 S Central Ave (.3 miles southwest)
- Faith Center Church at 1615 S Glendale Ave (.4 miles southeast)
- Theodore Roosevelt Middle School at 222 E Acacia Ave (.5 miles northeast)
- Palmer Park at 610 E Palmer Ave (.6 miles east)
- Horace Mann Elementary School at 501 E Acacia Ave (.7 miles northeast)

While these facilities are within the same vicinity, the applicant's request for this location is not anticipated to be detrimental to the safety and public welfare of the neighborhood.

D. Adequate public and private facilities such as utilities, landscaping, parking spaces and traffic circulation measures are provided for the proposed use.

Adequate public and private facilities such as utilities, landscaping and traffic circulation are provided for the site and the use. The project site is already developed and associated facilities are in place. While there are no on-site parking spaces, the proposed change of use from an approximate 1,030 square-foot fast food use to a tavern will not require additional parking per Zoning Code regulations under section

30.32.030. Further, the project does not involve a floor area expansion. There are on-street parking spaces along Brand Boulevard even though these spaces are not considered for required on-site parking.

Notwithstanding consideration of the aforementioned information, the proposed on- and off-site sales, service and consumption of beer does serve a public convenience for the area. The proposed tavern will be the first of its kind in Glendale. The company focuses on incorporating local favorites into highly specialized beers. The Monrovia based brewery focuses on a line of craft beer that is infused with Latin American flavors. Horchata Stout, Mango IPA, Agave Wheat, Jamaica Wit, and Oaxaca Coffee Stout are a few of the original flavors. The 3 owners are inspired by their own cultures as well as that of the City. Brewmaster and CEO Stephen Kooshian pulls from his Nicaraguan and Armenian heritage for inspiration. The project's originality challenges even the contemporary ideas of craft beer by incorporating different cultural influences. Craft Beer also serves as a current initiative of the City's Economic Development Division.

Compatibility of land uses is important to fostering a productive and thriving community. The service of beer at the proposed tavern serves a public convenience because it serves local residents and businesses. The proposed tavern will draw patrons from within the larger neighborhood as well as from the entire city and region. Conditions placed on the approval of the project will ensure that it will not adversely impact nearby industrial uses.

FURTHERMORE, THIS REQUEST REQUIRES THAT ADDITIONAL FINDINGS OF FACT BE MADE, AS FOLLOWS:

For applications involving the sale, serving or consumption of alcoholic beverages, the following criteria shall be considered in making the findings in subsection a. through d. above:

- 1. That such use will not tend to intensify or otherwise contribute to the adverse impacts on the surrounding area caused by over concentration.**

The proposed tavern is located in Census Tract No. 3025.05 with a maximum recommendation of three on-site sale and two off-site sale establishments. There are currently five on-sale and five off-sale licenses in this tract. Based on Part 1 crime statistics for census tract 3025.05 in 2015, there were 126 crimes, which is below the citywide average of 178. Suggested conditions made by the Police Department have been included in the draft conditions of approval to ensure that any potential negative impacts will be appropriately mitigated.

- 2. That such use will not tend to encourage or intensify crime within the district.**

The Glendale Police Department noted that the crime rate for Census Tract 3025.05 is below the average Part 1 crimes for the City, there were 126 crimes, which is below the citywide average of 178. Suggested conditions made by the Police Department have been included in the draft conditions of approval to ensure that any potential negative impacts will be appropriately mitigated. Therefore, the proposal for a new tavern is not expected to encourage or intensify crime within this census tract.

3. **That the existing or proposed use does not or will not adversely impact any church, public or private school or college, day care facility, public park, library, hospital or residential use within the surrounding area.**

The serving and consumption of alcohol at this location has been conducted since the early 1970s and has not been detrimental to the nearby uses, which include multi-family residential uses above the prospective tenant space, to the east and to the west across Brand Boulevard. The proposal is to sell, serve, and consume beer on-site and provide for off-site sales of beer at a new tavern. Per finding C, above, adverse impacts on nearby public and private facilities and residential uses are not expected to occur.

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.**

Per finding D, above, while there are no on-site parking spaces, the proposed change of use from an approximate 1,030 square-foot fast food use to a tavern will not require additional parking per Zoning Code regulations under section 30.32.030. Further, the project does not involve a floor area expansion. There are on-street parking spaces along Brand Boulevard even though these spaces are not considered for required on-site parking. Accordingly, the existing facilities appear to be adequate to accommodate the operation of the tavern with the serving and consumption as well as sales for off-site consumption of beer as proposed.

5. **That, notwithstanding consideration of the criteria in subsections 1 through 4 above, the continued sales, service and on-site consumption of beer, wine and distilled spirits does serve a public convenience for the area. Compatibility of land uses is important to fostering a productive and thriving community.**

Per finding D, above, the service of beer at this proposed tavern will serve a public convenience because it serves local residents and businesses with a unique menu of beer. 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 Conditional 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 and presented at the hearing except for any modifications as may be required to meet specific Code standards or other conditions stipulated herein to the satisfaction of the Planning Hearing Officer.
2. Sales, service or consumption of beer shall be permitted only between the hours of 12:00 pm to 12:00 am each day of the week
3. That only beer shall be served.

4. 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 to effectively eliminate interior and exterior loitering, parking congestion, disturbing noise, disturbing light, loud conversation and criminal activities.
5. There shall be no video machine maintained upon the premises.
6. Dancing is only allowed on the premises in designated dance floor areas, with a proper "Dance" permit. Any establishment serving alcoholic beverages which has a dance floor of greater than 200 square feet is considered a nightclub and will require a separate conditional use permit.
7. No live entertainment is permitted without a "Live Entertainment Permit". No karaoke, no bikini activities or events, no lingerie activities or events, no swimwear activities or events, nor any similar activities or events be allowed where partial clothing of male or female entertainment is provided.
8. That all music, lighting, noise and odors shall be confined to the occupancy so as not to disturb occupants of other adjacent business or properties and patrons on the public right-of-way. The business shall comply with all state and local laws and ordinances concerning excessive noise and disturbing the peace. The opinion of the Director of Community Development shall prevail to arbitrate any conflict.
9. Noise shall be contained to the site, such that persons of normal sensitivity off-site are not disturbed.
10. The front and back doors of the establishment shall be kept closed at all times while the location is open for business, except in case of emergency.
11. That all necessary licenses, permits as required, or approvals from Federal, State, County or City authorities including the City Clerk shall be obtained and kept current at all times.
12. That the service of beer for on-site sales, service, and consumption, and off-site sales shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control.
13. That a speaker system shall be allowed in the outdoor patio area, on the east side of the tavern, subject to the speakers being turned off by 10pm daily and subject to compliance with the City's Noise Ordinance.
14. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash and graffiti.
15. That any expansion or modification of the facility or use which intensifies the existing Conditional Use Permit shall require a new Conditional 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 Planning Hearing Officer with concurrence by the Community Development Director.

16. That adequate means shall be provided for the collection of solid waste generated at the site and that all recyclable items shall be collected and properly disposed of to the satisfaction of the Integrated Waste Administrator of the City of Glendale. No trash containers shall be stored in any parking, driveway, or landscaping area.
17. That no exterior signs advertising the service of alcoholic beverages shall be permitted.
18. That a new Business Registration Certificate (BRC) be obtained for a tavern use.
19. That access to the premises shall be made available to all City of Glendale Community Development Department, Neighborhood Services Division, Police Department, and Fire Department staff upon request for the purpose of verifying compliance with all laws and the conditions of this approval.
20. That the authorization granted herein shall be valid for a period of **FIVE (5) YEARS UNTIL DECEMBER 20, 2021**, at which time, a reapplication must be made.

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 Building and Safety Division upon request and must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **JANUARY 4 , 2017** in the Building and Safety Division, 633 E. Broadway, Room 101.

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

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.

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.

REVOCATION, 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 30.4 PROVIDES FOR

Termination

Every right or privilege authorized by an conditional 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 conditional 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 a conditional use permit.

Cessation

A conditional use permit may be terminated by the review authority upon any interruption or cessation of the use permitted by the conditional 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 who acted on this case. 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.

Sincerely,



Bradley M. Collin
Planning Hearing Officer

BC: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 planners Tamar Sadd and Allen Castillo.