



CITY OF GLENDALE, CALIFORNIA
Community Development
Planning

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January 23, 2019

Eddie Navarrette
327 2nd Street, Suite 222
Los Angeles, CA 90012

**RE: 1300 SOUTH BRAND BOULEVARD
CONDITIONAL USE PERMIT NO. PCUP 1824482
(Eastside Showroom)**

Dear Mr. Navarrette:

On January 9, 2019 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 for on-site sales, service, and consumption of a full line of alcoholic beverages at an existing tavern, which is located in the Commercial Auto "CA" Zone, located at **1300 South Brand Boulevard**, described as Lot 1, Tract No. 5268, in the City of Glendale, County of Los Angeles.

APPLICANT'S PROPOSAL

Conditional Use Permit

(1) To provide on-site sales, service and consumption of alcoholic beverages at an existing tavern.

CODE REQUIRES

Conditional Use Permit

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

ENVIRONMENTAL DETERMINATION

This project is exempt from CEQA review as a Class 1 (Existing Facilities) exemption, pursuant to State CEQA Guidelines Section 15301 as this application is for the continued use of a tavern with no added floor area or modification to the façade.

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 use will be consistent with the various elements and objectives of the General Plan. The on-site sale, service and consumption of a full line of alcoholic beverages at this tavern is consistent with the General Plan. The tavern is located in the "CA" Commercial Auto Zone. The "CA" zone provides complementary commercial uses to the primary vehicle dealer use in conformance with the Comprehensive General Plan. This district is designed to be an attractive, pedestrian-friendly urban auto row with a mix of commercial uses to ensure the future vitality uses within the district. This zone allows for taverns with approval of a conditional use permit.

The Circulation Element identifies Brand Boulevard as a Major Arterial. The request will not impact this element. The Open Space and Conservation Element does not identify this area for open space or parkland.

B. 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 use and its associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment. It is not anticipated that the Eastside Showroom will be detrimental to the community or adversely conflict with the community's normal development. Beer has been sold at this location for over 50 years without adverse impacts and the use of the building and customer service hours will continue in the same manner. The addition of a full line of alcoholic beverages to the existing wine and beer sales, service and consumption is not expected to create any adverse impacts. Census Tract 30 recommends a maximum of three on-sale establishments and there are currently six licenses in the tract. The Eastside Showroom is one of the existing six.

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

The use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property. As noted above, a tavern serving beer has operated at this location for over 50 years, and a bar serving beer and wine has operated without conflicts since July 2013. The applicant is not proposing any changes to the existing floor plan or operation. This portion of Brand Boulevard is developed with vehicle dealers and commercial uses. There will be no change to existing traffic, loading, or noise caused by the use. The Planning Division has not received any formal complaints from the nearby commercial and residential properties. The applicant stated that they have improved the sound attenuation between the tavern use and the residential tenants upstairs by adding extra insulation between the two uses. In addition, the applicant ends all live entertainment at 10:00 p.m. seven days a week, which is a reasonable time to conclude such activity in an effort to be more compatible with the adjacent residential use.

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

Adequate public and private facilities such as utilities, landscaping, parking spaces and traffic circulation measures are provided for the proposed use. The applicant is proposing to

operate the tavern in the existing manner; therefore, it is not anticipated to increase the need for public or private facilities. This district is designed to be an attractive, pedestrian-friendly urban auto row and has existing pedestrian amenities and traffic calming, including wide-sidewalks, pedestrian lighting, and signalized crosswalks. The street is a signature street, lined with mature palm trees and a landscaped center median. The addition of a full line of alcoholic beverage sales to the existing on-site sale, service, and the consumption of beer and wine at Eastside Showroom is not anticipated to intensify traffic circulation or parking demand. Brand Boulevard is identified as a Major Arterial, which adequately handles the existing traffic circulation around the site. Although there is no on-site parking, Brand Boulevard provides ample diagonal on-street parking. The Traffic Engineer's Section did not submit concerns related to traffic circulation and parking.

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 where a 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 off-site use is located in a census tract with more than the recommended maximum concentration of off-site uses, as recommended by the California Department of Alcoholic Beverage Control, such use 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 a full line of alcoholic beverages at "Eastside Showroom" does not, or will not, tend to encourage or intensify crime within this crime reporting district. According to the Glendale Police Department (GPD), the applicant has an active Type 42 Alcoholic Beverage License (On-Sale Beer and Wine – Public Premises). Census Tract 30 allows for three On-Sale establishments and there are currently six licenses in the tract. The Eastside Showroom is one of the existing six.
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 I crimes, as reported by the Glendale Police Department, such use will not tend to encourage or intensify crime within the district because conditions placed on the approval of this conditional use permit will reduce the potential for these deleterious impacts to occur. According to the Glendale Police Department (GPD), the "Eastside Showroom" is not located in a crime reporting district with a crime rate that exceeds 20 percent of the city average for Part 1 crimes. Based on Part 1 crime statistics for 3025.01 in 2017, there were 103 crimes, which is 43% below the city-wide average of 180.
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. "Eastside Showroom" is located on South Brand Boulevard, which is designated as a regional commercial area. The majority of the area surrounding the subject site is developed with vehicle dealerships or more intensive land uses as the subject project. There are residential uses located upstairs from the Eastside Showroom, however, the building was constructed in 1923 for the purpose of stores and apartments and a tavern has operated at this location for over 50 years.

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. The applicant is proposing to operate the tavern in the existing manner; therefore, it is not anticipated to increase the need for public or private facilities. This district is designed to be an attractive, pedestrian-friendly urban auto row and has existing pedestrian amenities and traffic calming, including wide-sidewalks, pedestrian lighting, and signalized crosswalks. The addition of a full line of alcoholic beverages to the existing on-site sale, service, and the consumption of beer and wine at "Eastside Showroom" is not anticipated to intensify traffic circulation or parking demand. Brand Boulevard is identified as a Major Arterial, which adequately handles the existing traffic circulation around the site. Although there is no on-site parking, the proposed project is not anticipated to increase the need for parking and Brand Boulevard provides ample diagonal on-street parking.
5. That, notwithstanding consideration of the criteria in subsections 1 through 4 above, a full line of alcoholic beverage sales, service and on-site consumption does serve a public convenience for the area. Compatibility of land uses is important to fostering a productive and thriving community. The continued service of beer and wine, with the addition of a full line of alcoholic beverages at the existing tavern, serves a public convenience because it serves local residents and businesses. Conditions placed on the approval of the project will ensure that it will not adversely impact nearby businesses and residential uses.

APPROVAL of the Conditional Use Permit shall be subject to the following:

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. That all necessary licenses as required from Federal, State, County or City authorities including the City Clerk shall be obtained and kept current at all times.
3. That sales, service or consumption of alcoholic beverages shall be permitted only between the hours of 12:00 p.m. to 2:00 a.m. Monday through Friday and 9:00 a.m. to 2:00 a.m. Saturday through Sunday.
4. That no patron to the tavern shall be allowed to bring into or maintain in the establishments, any alcoholic beverage unless that alcoholic beverage was purchased within that same establishment unless the facility has an established corkage policy allowing and regulating such.
5. 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.
6. That no live entertainment is permitted without a "Live Entertainment Permit". 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.
7. That all live entertainment shall cease by 10:00 p.m. seven days a week.

8. That music or noise shall be contained within the edifice of the establishment. The business shall comply with all state and local laws and ordinances concerning excessive noise and disturbing the peace.
9. That 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.
10. That 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 access to the premises shall be made available upon request to all City of Glendale authorized staff (i.e. Community Development Department, Fire Department, Police Department, etc.) for the purpose of verifying compliance with all laws and the conditions of this approval.
12. That the existing Business Registration Certificate shall be modified to reference this conditional use permit.
13. That no exterior signs advertising the sales/service of alcoholic beverages be permitted, banners shall be prohibited, and all signs displayed shall conform to the requirements of the Glendale Municipal Code.
14. That graffiti shall be removed in a timely manner.
15. That all music, lighting, noise and odors shall be confined within the building so as not to disturb occupants of other adjacent businesses or properties, and patrons on the public right-of-way. The Planning Hearing Officer's opinion shall prevail to arbitrate any conflicts.
16. That the facilities shall not be rented, leased or otherwise occupied for purposes not specified.
17. 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, 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.
18. That the tavern shall adhere to the City's Fresh Air (smoking) Ordinance.
19. That the service of alcoholic beverages shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control.
20. That the training for personnel regarding prohibiting sales to minors or intoxicated persons shall be provided (Alcohol Beverage Control staff is available and can provide this training).
21. That the sale of alcoholic beverages for consumption off the premises is strictly prohibited.

22. That the authorization granted herein shall be valid for a period of **TEN (10) YEARS, UNTIL JANUARY 23, 2029,** 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 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 **February 7, 2019** at the PSC, 633 East Broadway, Room 101, Monday thru Friday 7:00 a.m. to 12:00 p.m., or at the CDD, 633 East Broadway, Room 103, Monday thru Friday 12:00 p.m. to 5 p.m.

APPEAL FORMS available on-line:

<http://www.ci.glendale.ca.us/planning/SubmittingAProject.asp>

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 30.41 PROVIDES FOR

TERMINATION

Every right or privilege authorized by a 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 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:KD:sm

CC: City Clerk (K.Cruz); Police Dept. (A.Jenks/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. B.Ortiz/E.Olsen/ M.Navareete/M.Kouassi); 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); Street and Field Services Admin.; Engineering and Environmental Management (C.Chew/R. Villaluna); D.Gokcen; L.Lederma; F.Mitchell; and case planner – Kathy Duarte