



CITY OF GLENDALE, CALIFORNIA
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division

633 East Broadway, Room 103
Glendale, California 91206-4386
(818) 548-2140 (818) 548-2144
(818) 548-2115 Fax (818) 240-0392
www.ci.glendale.ca.us

July 16, 2013

Eddie Navarrette
(FE Design & Consulting)
327 East 2nd Street
Los Angeles, CA 90012

**RE: 1300 SOUTH BRAND BOULEVARD
CONDITIONAL USE PERMIT NO. PCUP 1307155
(1300 Bar)**

Dear Mr. Navarrette:

On July 10, 2013, 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 allow the on-site sale, service, and consumption of beer and wine at an existing tavern (1300 Bar), located at **1300 South Brand Boulevard**, in the "CA" - Commercial Auto Zone, described as Lot 1, Tract No. 5268. in the City of Glendale, County of Los Angeles.

APPLICANT'S PROPOSAL

(1) A Conditional Use Permit to allow on-site sale, service and consumption of beer and wine at an existing tavern.

CODE REQUIRES

(1) On-site sale, service and consumption of beer and wine require a Conditional Use Permit in the "CA" Zone.

ENVIRONMENTAL RECOMMENDATION: The 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 service of beer and wine at this 1300 Bar 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.

The Circulation Element identifies Brand Avenue 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.

It is not anticipated that the 1300 Bar 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, parking, and customer service hours will continue in the same manner. The addition of wine sales to the existing beer sales is not expected to create any adverse impacts. Census Tract 30 recommends a maximum of three on-sale establishments and there are currently four licenses in the tract. The 1300 Bar is one of the existing four.

C. 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 the 1300 Bar has operated without conflicts since December 2012. 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 and Neighborhood Services Divisions have not received any formal complaints from the nearby commercial and residential properties.

D. 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 correct 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 wine sales to the existing on-site sales, service, and the consumption of beer at 1300 Bar 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.

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 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 beer and wine at the "1300 Bar" 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 40 Alcoholic Beverage License (On-Sale Beer), and a pending Type 42 liquor license (On-Site Sale Beer and Wine – Public Premises). Census Tract 30 has a recommended maximum of three on-sale establishments. There are currently four licenses in the tract, however, 1300 Bar is one of the existing four.
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), 1300 Bar 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 2012, there were 45 crimes, which is 25% below the city-wide average of 60. The Neighborhood Services Section has no open code enforcement cases on the property.

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. "1300 Bar" 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 1300 Bar, 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 wine sales to the existing on-site sale, service, and the consumption of beer at 1300 Bar 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.
5. That, notwithstanding consideration of the criteria in subsections 1 through 4 above, beer and wine 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, with the addition of wine 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.

SUMMARY OF PLANNING HEARING OFFICER'S DECISION

The Planning Hearing Officer was able to make the four findings in the affirmative to grant approval of the requested conditional use permit. The sales, service and consumption of beer and wine at the existing 1300 Bar will be consistent with the General Plan, which targets complimentary commercial uses along this area of Brand Boulevard. The proposed use will not be detrimental to the public health or safety in that a tavern at this location has served beer for a number of years and the current owners want to expand this to allow wine service. This is not anticipated to create any detrimental impacts. The request will not adversely affect or conflict with adjacent uses because the tavern is already existing. Adequate facilities are provided in that no expansion of the tavern is proposed and the

business is located in an already-developed area fully serviced by public and private facilities.

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. 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 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.
4. **That the hours of operation shall be limited to:**
Monday thru Thursday 3:00 p.m. to 2:00 a.m.
Friday thru Sunday 12 p.m. – 2:00 a.m.
5. That the existing Zoning Use Certificate shall be modified to reference this conditional use permit.
6. 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.
7. That graffiti shall be removed in a timely manner.
8. 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.
9. That the facilities shall not be rented, leased or otherwise occupied for purposes not specified.

10. 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.
11. That the tavern shall adhere to the City's Fresh Air (smoking) Ordinance.
12. 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.
13. That the training for personnel regarding sales to minors or intoxicated persons should be provided (Alcohol Beverage Control staff is available and can provide this training).
14. The sale of beer and wine for consumption off the premises is strictly prohibited.
15. The authorization granted herein shall be valid for a period of **5 years, until July 16, 2018**, at which time, a reapplication must be made.

APPEAL PERIOD (effective date), TIME LIMIT, LAPSE OF PRIVILEGES, TIME EXTENSION

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 **July 31, 2013**, in the Building and Safety Division, 633 East Broadway, Room 101.

APPEAL FORMS available on-line:

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

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.

REVOCAION, CONTINUING JURISDICTION

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over variances 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.

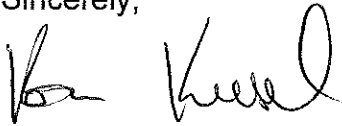
EXTENSION

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.

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,



Roger Kiesel
Planning Hearing Officer

RK:sm

CC: City Clerk (K.Cortes); Police Dept. (Tim Feeley/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(D.Nickles); City Engineer and Traffic & Transportation Section (Roubik Golanian/G.Tom); Director of Public Works and General Manager for Glendale Water and Power (Stephen Zurn); Glendale Water & Power--Water Section (R.Takidin); Glendale Water & Power--Electric Section (M.Kelley/M.Jackson); Parks, Recreation and Community Services Dept. (Emil Tatevosian); Neighborhood Services Division (A.Jimenez); Integrated Waste Management Admin. (D.Hartwell); Maintenance Services Section Admin. (D.Hardgrove); Street and Field Services Admin.; Environmental Management (M.Oillataguerra); L.Ledezmo-applicant; and case planner-Kathy Duarte.