

February 27, 2017

Chris Cesnek  
4350 Stern Avenue, Apt 10  
Sherman Oaks, CA 91423

**RE: 422 MAGNOLIA AVENUE  
CONDITIONAL USE PERMIT NO. PCUP 1625871  
(PAPERBACK BREWERY)**

Dear Mr. Cesnek:

On February 22, 2017, 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 a proposed tavern (brewery with tasting room) with on-site sales, service, and consumption, and off-site sales of alcoholic beverages in the "IND" - Industrial Zone, located at **422 Magnolia Avenue**, described as Lot 11, Block 1, Breedloves Subdivision (APN 5640-004-012), in the City of Glendale, County of Los Angeles.

CODE REQUIRES

- 1) A tavern with the sales, service and on-site consumption of alcoholic beverages requires a Conditional Use Permit in the "IND" – Industrial Zone. GMC 30.13.020.B.

APPLICANT'S PROPOSAL

- 1) To allow a tavern with sales, service and on-site consumption of alcoholic beverages in the "IND" Zone.

ENVIRONMENTAL DETERMINATION

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

The applicant is requesting approval of a Conditional Use Permit (CUP) to operate a craft beer tavern and manufacturing operation ("Paperback Brewery") at 422 Magnolia Avenue in the Industrial (IND) Zone. The applicant's primary use is a brewery (light manufacturing use), though the proposal to sell, serve and consume the product (beer) changes the use to tavern. The floor plan clearly shows that the majority of the 6,031 square feet of space will

be used by the brewery operations. The tavern (tasting) portion is 2,213 square feet in size, which includes 605 square feet of a mezzanine as accessory to the brewery. This space will allow patrons the opportunity to consume the beer brewed on the premises. Patrons will also be able to purchase beer brewed on-site for off-site consumption. "Paperback Brewery" will be located in the San Fernando Road Corridor, in an area intended to accommodate industrial and manufacturing activities in conformance with the comprehensive General Plan. The Land Use Element of the Glendale General Plan designates the subject site as Industrial. Light manufacturing is a permitted land use and taverns are a conditionally permitted use in the Industrial Zone, and therefore, consistent with the land use designation. The applicant's request to operate a tavern offering the on-site sales, service, and consumption, and off-site sales of craft beer would be in keeping with the goals of the Industrial Land Use Designation and with the San Fernando Road Corridor Redevelopment Plan to promote independent, small businesses and expand light manufacturing industry. The proposed uses will also be consistent with the other elements and objectives of the General Plan. The subject site is located within an industrial area along Magnolia Avenue that is identified as a local street in the Circulation Element, just west of San Fernando Road, which is identified as a Major Arterial in the Circulation Element, in an area 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 applicant's request for a conditional use permit for a brewery tavern in the Industrial Zone is not anticipated to be detrimental to the public health or safety, the general welfare, or the environment, as conditioned. Magnolia Avenue currently features a number of industrial use businesses, and one tavern, "Glendale Tap," which has been in operation since 2012. According to the Glendale Police Department, Glendale Tap has had no major incidents or calls for service since its opening. The surrounding industrial businesses have co-existed with the existing tavern for last five years without detrimental impacts to the public health, safety, general welfare, or the environment, and the new tavern is expected to be the same. Paperback Brewery with its manufacturing component (brewery) will be similar to other manufacturing uses in the IND zone, while the on-site consumption (tasting tavern) will take place when the other industrial businesses are closed in the evenings and on the weekends. Therefore, the new tavern, offering on- and off-site consumption of craft beer, will not negatively impact the existing nearby uses or the surrounding environment.

According to the Glendale Police Department, the proposed tavern is located in Census Tract 3024.01. The suggested limit for this census tract is five on-sale and three off-sale establishments. There are currently ten on-sale and eight off-sale licenses in this tract. Based on Part 1 crime statistics for census tract 3024.01 in 2015, there were 515 crimes, which is above 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. 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 for a tavern in the Industrial zone will adversely conflict adjacent uses and surrounding development. The brewery and associated tavern would be occupying a currently vacant building that previously housed a jewelry manufacturer, and would be bringing in a manufacturing and commercial use to the industrial area in line with the General Plan. Magnolia Avenue currently has a number of industrial use businesses, including a major outdoor equipment rental business across the street, a manufacturing operation adjacent to the west (W & W MFG CO., INC – electronics, light manufacturing) and printer business to the east. "Glendale Tap" is located a few lots to the east, and has been in operation since 2012. According to the Glendale Police Department, Glendale Tap has had no major incidents in the last year and has not had a significant detrimental effect or proven disruptive to the surrounding uses. Similarly, the proposed tavern is not expected to negatively impact 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 surrounding uses.

The closest public facilities are as follows:

- New Apostolic Church at 206 West Cypress Street (.4 miles east)
- Glendale Memorial Hospital at 1420 South Central Avenue (.4 miles southeast)
- Fire Station 22 at 1201 South Glendale Avenue (.6 miles east)
- Glendale Christian Church at 117 East Los Feliz Road (.6 miles southeast)
- Cerritos Mini-Park at 3690 South Brand Boulevard (.7 miles southeast)
- Cerritos Elementary School at 120 East Cerritos Avenue (.7 miles southeast)
- Faith Center Church at 1615 South Glendale Avenue (.8 miles southeast)
- Theodore Roosevelt Middle School at 222 East Acacia Avenue (.8 miles northeast)
- Palmer Park at 610 East Palmer Avenue (.9 miles east)

While these facilities are within the same vicinity, applicant's CUP request for a tavern at this particular location on an industrial street is not anticipated to be detrimental to the safety and public welfare of the neighborhood.

**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.**

Adequate public and private facilities such as utilities, landscaping and traffic circulation are provided for the site and the proposed use. The project site is already developed and associated facilities are in place. There is one on-site (handicap) parking space, and Parking Exception No. PPPEX 1622421 was approved on January 26, 2017, to allow the change in use from light manufacturing to tavern (brewery with tasting room) without providing the required 50 additional parking spaces. While the surrounding businesses generally operate Monday to Friday and close prior to 5:00 pm, Paperback Brewery would not see an influx of patrons until after 5:00 pm on weekdays and on weekends. This difference in hours of operation contributes to the availability of on-street parking. The applicant conducted a parking study Thursday, November 3<sup>rd</sup>, through Saturday, November 5<sup>th</sup>, which revealed that at any given time, there are 40 to 67 on-street parking spaces available within a reasonable walking distance of the brewery. Therefore, adequate public and private facilities such as utilities, landscaping, and parking spaces are or will be provided for the proposed use.

**E. That all the criteria set forth in Section 30.32.030 (F) to be considered in making the findings in subsection A. through D. above have been met and thoroughly considered:**

1. That such use does not or will not tend to intensify or otherwise contribute to the adverse impacts on the surrounding area caused by over concentration, as described above in Finding B.
2. That such use does not or will not tend to encourage or intensify crime within the district, as described above in Finding B.
3. That such 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 above in Findings B and C.
4. That the proposed use does satisfy its transportation or parking needs, as described above in Finding D.
5. That the proposed use does or will serve a public necessity or public convenience purpose for the area, as described above in Finding A. Glendale's current 18-hour City initiative includes the attraction of breweries. As the craft beer market grows in Southern California, Glendale wants to offer the same amenities to local businesses, visitors, and residents as found in other regions. As a product that can be widely sold and consumed, Glendale branded beers further the City's goals of marketing to and attracting new individuals and businesses.

**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. This includes the outdoor table and chair patio area along the side of the building and the handicap parking spaces in front of the building, as shown on the submitted site plan.
2. 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.
3. That the service of alcoholic beverages for on-site consumption shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control.
4. 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 or additional outdoor seating 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.

5. 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.
6. That the sales, service or consumption of alcoholic beverages (beer) shall be permitted only between the hours of 4:00 pm to 2:00 am Monday through Friday and 12:00 pm to 2:00 am Saturday and Sunday.
7. That only beer shall be served.
8. 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.
9. That dancing shall only be 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.
10. That 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.
11. 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.
12. That noise shall be contained to the site, such that persons of normal sensitivity off-site are not disturbed.
13. The doors of the establishment shall be kept closed at all times while the location is open for business, except in case of emergency or as otherwise specified. The loading door(s) on the front elevation facing Magnolia Avenue may be opened, provided that a physical barrier, such as a railing system (to the satisfaction of the Planning Hearing Officer), be installed across the opening during the hours of operation for the tavern, so as to contain patrons within the building. During non-tavern hours, the loading door(s) may be open for the brewery without said physical barrier.
14. That no speaker systems shall be installed outside the building.
15. That the existing landscaping and planters in front of the building shall be maintained, or replaced with planters of the same area and with drought-tolerant landscaping.
16. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash and graffiti.

17. That the proposed tavern shall adhere to the City's Fresh Air (smoking) Ordinance, Title 15, Chapter 8.52 of the Glendale Municipal Code.
18. That adequate means shall be provided for the collection of solid waste generated at the side 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.
19. That a new Business Registration Certificate (BRC) be obtained for a brewery tavern, specifying the areas for each use.
20. That the applicant shall comply with all applicable conditions of the Parking Exception Permit Case No. PPPEX 1622421.
21. That the authorization granted herein shall be valid for a period of **FIVE YEARS UNTIL FEBRUARY 27, 2022** 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 **March 14, 2017**, at the Permit Services Center (PSC), 633 East Broadway, Room 101, Monday thru Friday 7:00 a.m. to 12:00 p.m., or at the Community Development Department (CDD), 633 East Broadway, Room 103, Monday thru Friday 12:00 p.m. to 5 p.m.

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

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.

#### **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.

##### **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.

### EXTENSION

Permits granted by such right or privilege 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.

### **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 sold, 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**

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over variances, conditional use permits and administrative exceptions. 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 Conditional Use Permit at least 10 days' notice by mail to the applicant or permittee.

### **NOTICE – subsequent contacts with this office**

The Applicant is further advised that all subsequent contacts 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.

You may contact the case managers, Tamar Sadd or Allen Castillo, during normal business hours at (818) 937-2005 or via e-mail at [TSadd@glendaleca.gov](mailto:TSadd@glendaleca.gov) or [ACastillo@glendaleca.gov](mailto:ACastillo@glendaleca.gov).

Sincerely,



Vilia Zemaļtāitis, AICP  
Planning Hearing Officer

VZ:sm

cc: City Clerk (K. Cruz); City Attorney's Dept. (G. van Muyden); Fire Prevention Engineering Section (J. Halpert); Dir. Of Public Works (R. Golanian); 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. Mirzaian); 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 managers Tamar Sadd and Allen Castillo.