

July 17, 2018

Donato Rapo
1114 North Pacific Avenue
Glendale, CA 91202

**RE: 1114 NORTH PACIFIC AVENUE
CONDITIONAL USE PERMIT NO. PCUP 1802921**
(Latitude 34 Tavern)

On July 11, 2018, 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 continued use of a tavern with on-site sales, service, and consumption of alcoholic beverages (Type 48 – On Sale General Public Premises), located at **1114 North Pacific Avenue**, in the “C1” – Neighborhood Commercial Zone, described as Lots 63 and 64 and Portion 65, Tract No. 726, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

- (1) A conditional use permit application is required for a tavern with on-site sales, service and consumption of alcoholic beverages in the C1 zone (G.M.C. 30.12.020.B, Table 30.12 – A).

APPLICANT'S PROPOSAL

- (1) To continue to operate a tavern with on-site sales, service and consumption of alcoholic beverages.

ENVIRONMENTAL REVIEW

The project is exempt from CEQA review as a Class 1 “Existing Facilities” exemption pursuant to State CEQA Guidelines Section 15301 because this application is for the continued use of a tavern with on-site sales, service, and consumption of alcohol with no added floor area or change to the façade of the building.

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.

Latitude 34 Tavern, is requesting to allow the continuation of a tavern use with the on-site sales, service and consumption of alcoholic beverages. According to City records, a tavern use has operated at this location since 1987. The most recent conditional use permit (PCUP 2011-003) was issued on May 24, 2011 to allow the

continued on-site sales, service, and consumption of alcoholic beverages at an existing tavern.

The subject site is consistent with the various elements and objectives of the General Plan. This establishment is located on Pacific Avenue in the "C1" - Neighborhood Commercial zone, consistent with the neighborhood commercial use designation of the Land Use Element of the General Plan. The Neighborhood Commercial land use designation allows small shopping centers, professional office buildings, and other commercial activities scaled to serve the surrounding residential neighborhood, including taverns, where on-site sales, service, and consumption of alcoholic beverages may be allowed with a conditional use permit. Access to the site is from Pacific Avenue, a minor arterial, which is sufficient to handle traffic circulation and parking for the use provided on site. The subject use 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. Thus, the continued operation of a tavern is not anticipated to increase the existing noise levels above and beyond the current conditions. No other elements of the General Plan, including the Open Space, and Recreation and Housing Element will be impacted as a result of the continued operation of tavern with on-site site sales, service and consumption of alcoholic beverages. This application does not include any floor area or modifications to the existing building; therefore, no increase in required parking for the use is required. Adequate utilities, landscaping and traffic circulation measures are already provided.

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 applicant's request to continue to operate a tavern with the on-site sales, service and consumption of alcoholic beverages in the C1, Neighborhood Commercial Zone, 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 (CT 3012.04), which allows for four on-sale establishments. Currently, there are eight on-sale licenses in this tract and Latitude 34 Tavern is one of the existing licenses. Based on Part 1 crime statistics for this census tract, there were 165 crimes, below the citywide averages of 180. The renewal of the conditional use permit will not intensify or otherwise contribute to adverse impacts from the over-concentration. The Police Department commented that within the last calendar year, a total of three separate calls for service were reported at this location. Two of the calls did not result in a report taken and one call was related to trashcan theft. The Police Department's suggested conditions are part of this Conditional Use Permit approval to ensure that the continued operation of a tavern with on-site sales, service and consumption of alcoholic beverages will continue to operate in a responsible manner and there are no negative impacts to the public health, safety, general welfare, or the environment. Overall, the Police Department and the Neighborhood Services Division did not have major concerns related to this request. Section 30.64.020 of the Glendale Municipal Code provides for continuing jurisdiction over the use so that any adverse effects will not be allowed.

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. No changes are proposed to the existing building as part of the conditional use permit application. The subject tavern is and will remain approximately 1,440 square feet. There are various types of commercial uses in the surrounding area and there are residential uses. Although multi-residential uses are located east of the subject site, approval of the conditional use permit to continue the operation of a tavern use with the on-site sales, service and consumption of alcoholic beverages will not adversely impact or conflict with nearby residential and commercial uses or impede the normal development of surrounding properties since these properties are already developed. The subject tavern with on-site sales, service and consumption of alcoholic beverages is not anticipated to draw major traffic or create conflicts with the existing on-site and adjacent uses. No substantial evidence was submitted indicating that the continued operation of the existing use and facilities would adversely impact existing nearby uses. While a tavern use has been in operation for over 30 years, the current owner has operated the tavern for approximately three years. No evidence was submitted nor presented at the public hearing that would indicate that the subject tavern with on-site sales, service and consumption of alcoholic beverages has been or will be a problem in the future provided that the conditions of approval are followed.

There are no public facilities, hospitals, libraries, private schools or colleges within the immediate area (500' radius) of the subject site. However, there is a church and public schools (Mark Keppel Magnet, Toll Middle School and Herbert Hoover High School) located within 0.6 miles northwest of the subject site and a preschool (Bonnie Academy) located approximately 0.2 miles southwest of the subject site. It is not anticipated that the request to continue to operate a tavern use with on-site sales, service and consumption of alcoholic beverages will be detrimental to the nearby schools and church given its distance from the subject site. The current owner has operated this tavern for approximately three years and is proposing to maintain the current operations (including dancing and live entertainment) in accordance with the conditions of approval. The existing tavern use has been in operation for over 30 years. No evidence was presented which would indicate that this existing tavern will adversely impact any church, public school or college, day care facility, public park, library, hospital, or residential use within the surrounding area. The existing tavern use fits in well with the existing surrounding commercial land uses.

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 and traffic circulation measures are provided for the site and the use. The project site is already developed and associated facilities are in place. There are 22 on-site parking spaces on the subject site, which has proven to be adequate to serve the existing businesses in this commercial center. Further, this application does not include any added floor area to the existing building or subject tenant space, so no increase in the parking demand is created.

REQUIRED ADDITIONAL FINDINGS OF FACT FOR A CUP FOR ALCOHOL SALES, SERVICE AND CONSUMPTION

That all the criteria set forth in Section 30.42.030 (E) to be considered in making the findings in subsection A. through D. above have all been met and thoroughly considered:

- 1) That such use will not tend to intensify or otherwise contribute to the adverse impacts on the surrounding area caused by over concentration. According to the Glendale Police Department, Latitude 34 Tavern is located in Census Tract 3012.04, where four on-sale establishments are the recommended limit. There are eight existing establishments with on-site sales, service, and consumption of alcohol in this tract and Latitude 34 is one of the existing eight establishments. Neither the Glendale Police Department nor Neighborhood Services Division cited concerns related to this conditional use permit. Furthermore, recommended conditions of approval would ensure that any potential negative impacts will be appropriately mitigated. Therefore, it is not anticipated that this use will contribute to any adverse impacts on the surrounding area.
- 2) That such use will not tend to encourage or intensify crime within the district. No evidence has been presented which would indicate that the continued operation of an existing tavern with on-site sales, service, and consumption of alcoholic beverages at this location would encourage or intensify crime within the district. Based on Part 1 crime statistics for this Census Tract, there were 165 crimes reported in the census tract, which is below the citywide average of 180. Within the last calendar year there were three calls for service at this location. Two of the calls did not result in a report taken and one call was related to trashcan theft. Neither the Glendale Police Department nor Neighborhood Services Division cited concerns related to this conditional use permit. Suggested conditions made by the Police Department have been included to ensure that any potential negative impacts will be appropriately mitigated.
- 3) It is not anticipated that the applicant's request to continue the operation of a tavern use with the on-site sales, service and consumption of alcoholic beverages as well as dancing and live entertainment will adversely impact any other uses within the surrounding area (church, public or private school or college, day care facility, public park, library, hospital or residential use). There is a church and public schools located approximately within 0.6 miles northwest of the subject site, a preschool located approximately 0.2 miles southwest of the subject site and residential uses located east of the subject site. As described above in Finding B and C above, while residential uses are within the same vicinity, the applicant's request to continue the tavern use which provides on-site sales, service and consumption of alcoholic beverages is not anticipated to adversely impact neighboring uses in this area. The project is conditioned to ensure the function of this tavern with the on-site sales, service and consumption of alcoholic beverages complies with all municipal codes and state law and is not anticipated to adversely impact other neighboring uses in this area.
- 4) That the proposed use satisfies its transportation or parking needs as described in Finding D above because adequate access, parking and delivery spaces are available to serve this use.
- 5) The applicant's request to continue to allow on-site sales, service and consumption of alcoholic beverages at the existing tavern does serve a public convenience 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.

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 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 as required from Federal, State, County or City authorities including the City Clerk shall be obtained and kept current at all times.
4. That sufficient measures shall be enforced to effectively eliminate interior and exterior loitering, parking congestion, disturbing noise, disturbing light, loud conversation, and criminal activities.
5. 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.
6. 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.
7. That the parking area shall be kept adequately illuminated for security purposes during all hours of darkness. No lighting shall be installed or maintained that shines or reflects onto adjacent properties.
8. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.
9. Dancing is only allowed on the premises in designated dance floor areas, with a proper "Dance" 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 where partial clothing of male or female entertainment is provided.
11. That no alcoholic beverages shall be sold to be taken from the premises by patrons for off-site consumption.
12. That no patrons of the tavern shall be allowed to bring into the establishment any alcoholic beverage that was purchased from outside of the establishment, unless the facility has an established corkage policy allowing and regulating such.
13. That the tavern shall remain open to the public during business hours.

14. That the sales, service, or consumption of alcoholic beverages shall be permitted only between the hours of 2:00 p.m. to 2:00 a.m. seven days a week.
15. That the premises shall be operated in full accord with applicable State, County, and local laws.
16. That access to the premises shall be made available to all Glendale Community Development, Police Department, and Fire Department staff upon request for the purpose of verifying compliance with all laws and conditions of this approval.
17. That no exterior signs advertising the sales/service of alcoholic beverages shall be permitted.
18. That the tavern adheres to the City's Fresh Air (smoking) Ordinance, Title 15, Chapter 8.52 of the Glendale Municipal Code.
19. That any expansion or modification of the facility or use which intensifies this Conditional Use Permit (CUP) shall require a new Conditional Use Permit. Expansion shall constitute adding floor area, changes to the use or operation, or any physical changes as determined by the Planning Hearing Officer with concurrence from the Director of Community Development.
20. That a Business Use Certificate shall be applied for and issued for a tavern with sales, service, and consumption of alcoholic beverages, subject to the findings and conditions outlined in this decision letter.
21. That authorization granted herein shall be valid for a period of **TEN (10) YEARS UNTIL JULY 17, 2028.**

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 **AUGUST 1, 2018**, 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>

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.

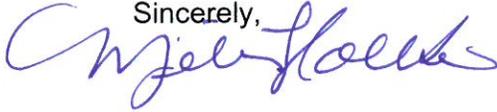
NOTICE – subsequent contacts with this office

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 planner, Brad Collin, during normal business hours at (818) 548.3210 or via e-mail at bcollin@glendaleca.gov.

Sincerely,



Milca Toledo
Planning Hearing Officer

BC:MT:sm

CC: City Clerk (K. Cruz); City Attorney's Dept. (G. an Muyden/Y. Neukian); Fire Prevention Engineering Section (J. Halpert); Dir. Of Public Works (R. Golanian); Building and Safety (S. Hairapetian); Design Review and Historic (J. Platt); Housing (P. Zovak); (Traffic & Transportation Section (P. Casanova); General Manager for Glendale Water and Power (S. Zurn); Glendale Water & Power - Water Section (G. Tom/S. Boghosian); Glendale Water & Power - Electric Section (B. Alshanti/B. Ortiz); Community Services and Parks Dept. (T. Aleksanian); Neighborhood Services Division (S. Sardarian/J. Jouharian); Integrated Waste Management Admin. (D. Hartwell); Maintenance Services Section Admin. (D. Hardgrove); Street and Field Services Admin.; Engineering and Environmental Management (R. Villaluna); D. Jackels-architect; and case planner Brad Collin.