

March 19, 2014

Garo Nazarian
c/o Domus Design
109 East Harvard Street, Suite 306
Glendale, CA 91205

**RE: 109 EAST HARVARD STREET
CONDITIONAL USE PERMIT NO. PCUP 1319136**

(SEE: PARKING REDUCTION PERMIT NO. PPRP 1328215)

Dear Mr. Nazarian:

On March 5, 2014, 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 applications for a **CONDITIONAL USE PERMIT** and a *Parking Reduction Permit* to allow the sales, service and on-site consumption of all types of alcoholic beverages at an existing banquet hall that is proposing to expand their seating/serving area without providing the required number of parking spaces for the expansion, located at **109 East Harvard Street**, in the "DSP/M" - Downtown Specific Plan/Maryland "Arts & Entertainment" District, described as Lots 4, 5, 6 and 7, Block 57, Campbell and Thompson's Tract, in the City of Glendale, County of Los Angeles.

APPLICANT'S PROPOSAL

Conditional Use Permit

- 1) To expand the existing banquet hall onto an outdoor deck.
- 2) To expand the existing banquet hall while providing the continued sales, service and on-site consumption of alcoholic beverages.

CODE REQUIRES

Conditional Use Permit

- 1) The expansion and continued operation of a banquet hall use in the "DSP/M" zone.
- 2) The expansion and continued sales, service and on-site consumption of alcoholic beverages requires a Conditional Use Permit in the "DSP/M" 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. That the proposed use will be consistent with the various elements and objectives of the general plan.

The banquet hall use will be consistent with the elements and objectives of the General Plan. The applicant's request is to allow the on-site sales, service and consumption of alcoholic beverages at an existing banquet hall that is proposing to expand their seating and serving area onto a 1,152 square-foot outdoor deck. The facility is located in the Downtown Specific Plan-Maryland "Arts and Entertainment" District, which is comprised of a mix of commercial establishments, including, but not limited to retail/services, offices, restaurants, and entertainment opportunities. The proposed expansion of the banquet hall and continued ancillary service of all types of alcoholic beverages during banquet functions will be consistent with the various elements and objectives of the General Plan.

The Land Use Element seeks to improve the livability of the total community for all Glendale residents as expressed in the living, working, shopping areas, as well as community facilities. The service of alcoholic beverages at this location is appropriate in an area of the city zoned for commercial uses. The existing banquet hall is located in the Downtown area where this type of use is desired when located above the ground floor. A banquet hall use is a type of business which offers public rental for the purpose of private party events, where access by the general public is restricted. Generally, during a banquet function, a meal is served with or without alcoholic beverages. Banquet halls by their very nature draw customers from a wider geographic area. An objective of the City's Circulation Element is to minimize non-local vehicular traffic and parking in single and multiple family residential neighborhoods through land use management and traffic/parking control. Operation of the banquet hall will be required to comply with the City's Noise Ordinance, and, as such, will comply with the Noise Element. Given the mix of commercial-related uses in the immediate area and the zoning designation of the property, the proposed use is consistent with the Land Use Element 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 facility is located in the Downtown Specific Plan-Maryland "Arts and Entertainment" District, which contains a variety of restaurants, entertainment uses, and other commercial related uses. As such, the area surrounding the banquet hall is home to a variety of commercial establishments including entertainment, retail/services, restaurants, mixed use and office uses. Additionally, the Americana at

Brand, The Exchange, The Marketplace and the Glendale Galleria are located within walking distance. These and other similar uses in the existing vicinity that have an alcohol beverage component have proven not to have a detrimental effect on surrounding uses. The existing use is and will continue to be used as a banquet hall. No evidence has been presented that would indicate that the banquet hall and/or its expansion would 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 service of alcoholic beverages will continue to be accessory to the primary use. The use is conditionally permitted in this zone under the Zoning Code and the Downtown Specific Plan.

According to the Glendale Police Department, the expanded banquet hall facility is located in census tract 3022.01, where the suggested limit is three on-sale establishments. Currently there are 22 on-site sale licenses in this tract, including the subject banquet hall. While there are significantly more on-sale establishments in this area than would otherwise be allowed, L.A. Banquets is already one of the 22 establishments. The current conditional use permit request is required only as a result of the modified conditions of approval of the existing Conditional Use Permit to allow the expansion of the banquet hall's seating/serving area and continued on-site sales service and consumption of alcoholic beverages. The project site is located in downtown Glendale, where entertainment type services is encouraged. Based on Part 1 crime statistics for this census tract, in 2012 there were 89 crimes, 48% above the city wide average of 60. While this area has more crime than in many other areas of the city, it may be attributed to the high concentration of retail uses, entertainment uses and nearby shopping malls in the area.

Within the last calendar year, there were four calls for police service at this location. However, none resulted in reports being taken; the calls were not directly related to the sales, service or consumption of alcoholic beverages or related to the use. Finally, neither the Police Department nor the Neighborhood Services division cited concerns related to this conditional use permit and particularly the number of establishments servicing alcohol or the amount of crime. The service of alcoholic beverages will be accessory to the primary banquet hall use. For reasons discussed above, the proposed use and its associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment.

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

The banquet hall facility has existed for many years and has not adversely affected nor conflicted with adjacent uses or impeded the normal development of surrounding establishments and property. The banquet hall use provides a service to the community. The conditions attached assure that the facility is well situated on the site. Section 30.64.020, Glendale Municipal Code provides for continuing jurisdiction over the use so that any adverse effects will not be allowed. The proposed expansion of the use and incidental serving of alcoholic beverages is not anticipated to cause any conflicts with surrounding development in the future.

The continued operation of the expanded banquet hall and on-site consumption of alcoholic beverages at this location will not be detrimental to the safety and public welfare of the neighborhood in general. The closest public facility to the proposed project is Central Park (Adult Recreation Center and Central Library), located across the street, southeast of the subject site. While there are churches in the neighborhood, the project, as proposed, will not impede the operation of such uses since the use is not adjacent to such uses. The closest church is located east of the subject site on the northwest corner of Louise and Harvard Streets. While there are residential developments located nearby, the expanded banquet hall use with ancillary alcoholic beverages would not have a significant impact in the area. The commercial uses at this building primarily front Harvard Street and Brand Boulevard. The main entrance to the restaurant will be accessed from Harvard Street, which does not face residential uses. Nearby residential uses are generally to the east and mixed-use development at the Americana at Brand.

The property is in the Downtown Specific Plan – Maryland Arts and Entertainment District, which encompasses nearby main thoroughfares in the city. As previously stated, this location and surrounding area is home to a variety of commercial establishments including retail/services, restaurants, offices, and entertainment uses. Additionally, the Americana at Brand shopping and residential complex and the Glendale Galleria are located within walking distance. There are uses in the existing vicinity that have an alcohol beverage component and have proven not to have a detrimental effect on surrounding uses.

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.

The project site is already developed and associated facilities are existing. Continued operation of a banquet hall should not result in a significant increase in utility use. The building is on the corner of a major arterial, Brand Boulevard, and Harvard Street, an urban collector as identified in the city's Circulation Element. Both streets can adequately handle the traffic circulation adjacent to the site. The site does not have on-site parking, however, the existing **Covenant and Agreement** allows this use to park at the Glendale Marketplace Parking structure. A parking reduction permit for the additional required 33 spaces can be accommodated in the Marketplace parking structure. If approved, the banquet hall will have adequate parking for this use.

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

1. That where an existing or 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 or proposed off-site use is located in a census tract with more than the recommended maximum concentration of off-site uses, both as recommended by the California Department of Alcoholic Beverage Control, such use does not or will not tend to intensify or otherwise contribute to the adverse impacts on the surrounding area caused by such over concentration;

The census tract where the banquet hall with ancillary alcohol service is proposed does exceed the recommended maximum concentration of on-site uses. However, while there are significantly more on-sale establishments in this area than would otherwise be allowed, L.A. Banquets is already one of the existing 22 establishments.

2. That where the existing or proposed use is located in a crime reporting district with a crime rate which exceeds twenty (20) percent of the city average for Part I crimes, as reported by the Glendale Police Department, such use does not or will not tend to encourage or intensify crime within the district;

The banquet hall use with ancillary alcohol service is located in a crime reporting district with a crime rate exceeding the city average for Part 1 crimes. The Police Department did not cite particular concerns regarding either of the conditional use permit applications for the banquet hall use or the ancillary alcohol service. The subject banquet hall located on the site currently services alcohol and has not had complaints related to alcohol service.

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 closest park, library and church are within walking distance from the site on which the banquet hall use with ancillary alcohol service is located. There are no hospitals or schools in the immediate area. Residential uses are located to the east (approximately 1-2 blocks) and there are mixed use residential projects located across the street to the west at the Americana at Brand. The banquet hall currently operating on the site serves alcohol and has not generated complaints according to the Police Department or the Planning and Neighborhood Services Divisions.

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; and

There is an existing Covenant and Agreement between the property owner and the City which allows the subject banquet hall to park at an off-site location at the Glendale Marketplace Parking structure. Adequate parking exists in the parking structure to accommodate the proposed expansion of the banquet hall's seating area on to a new 1,152 square-foot deck.

5. That, notwithstanding consideration of the criteria in subsections 1 through 4 above, the existing or proposed use does or will serve a public necessity or public convenience purpose for the area.

Ancillary alcohol service at a banquet hall is common and expected and the proposed conditional use permit to service alcohol will service the public convenience for the area. Conditions of 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 all the four required CUP findings and has considered the five criteria of Section 30.42.030E 1-5 because the addition of an outdoor patio to this existing banquet hall with alcohol service will provide an existing amenity to the banquet hall without changing the banquet hall function. This banquet hall with alcohol service in Downtown Glendale has been in existence for many years without serious incident and conditions have been added to maintain adequate function of the site as a banquet hall with alcohol service without impact upon the surrounding downtown businesses.

CONDITIONS OF APPROVAL

APPROVAL of this 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 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, noisome odors, 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 the applicant shall comply with all conditions of approval of Parking Reduction Case No. PPRP 1328215.
7. That alcoholic beverages shall be served only in conjunction with the consumption of food.

8. That the sale and serving of alcoholic beverages shall be for consumption on the premises only.
9. That any expansion or modification of the facility or use that 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
10. That the applicant shall make an effort to keep noise within the building and shall keep noise levels below limits imposed by the Glendale Noise Ordinance 8.36. The Planning Hearing Officer's opinion shall prevail to arbitrate any conflicts.
11. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash and graffiti.
12. That all lighting shall be confined to the occupancy so as not to disturb occupants of other businesses or properties and patrons on the public right-of-way.
13. That the banquet hall shall adhere to the City's Fresh Air (smoking) Ordinance, Title 15, Chapter 8.52 of the Glendale Municipal Code.
14. 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.
15. 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.
16. That no exterior signs advertising the sales/service of alcoholic beverages be permitted.
17. That sufficient measures be enforced to effectively eliminate interior and exterior loitering, disturbing noise, disturbing light, loud conversation and criminal activities.
18. That access to the premises shall be made available upon request to all City of Glendale authorized staff (i.e. Planning and Neighborhood Services Division, Building and Safety Division, Fire Department, Police Department, etc.) for the purpose of verifying compliance with all laws and the conditions of this approval.
19. That at all times when the premises are open for business, the service of alcoholic beverages shall be made only in the areas designated with an ABC license.

20. That at all times when the premises are open for business, the service of any alcoholic beverage shall be made only in the areas designated with an ABC license. Consumption of alcoholic beverages will only be on those same licensed areas.
21. That no patron to any of the business establishments will be allowed to bring into any establishment 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.
22. That dancing is only allowed on the premises in designated dance floor areas.
23. That live entertainment is permitted with the exception that 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.
24. 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.
25. That an establishment that primarily provides for the on-premises sale, serving and consumption of alcoholic beverages and that derives more than fifty (50) percent of gross revenues from the sale of alcoholic beverages is by definition of the code a "tavern" and requires approval of a separate conditional use permit. Taverns include bars, pubs, cocktail lounges and similar establishments.
26. That no employee, while working, shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while on the premises. No employee, while working, shall be engaged for the specific purpose of sitting with or otherwise spending time with customers while on the premises.
27. That dedicated security staff is required on-site in addition to any audio-visual surveillance technology the applicant may wish to utilize. An audio-visual system will not take the place of security staff and in and of itself, is not sufficient. It is recommended that the security staff be identified either by uniform or professional blazers.
28. That a Banquet Manager and adequate security shall be present for events, so that they may intervene in disturbances and be a direct contact for a police response. In addition to the Banquet Manager, a minimum of two security shall be present at events with 100 or more people.
29. That when alcoholic drinks are being provided by the sponsor of the event, staff must be aware of obvious intoxication and take appropriate action to prevent an incident.

30. That consumption of alcoholic beverages will only be in those same licensed areas. Sales, service or consumption of beer and wine shall be permitted only between the hours of 10:00 a.m. to 2:00 a.m. each day of the week.
31. That patrons shall not be permitted to remain in the parking areas after closure or to loiter in the parking areas while the business is open.
32. That as requested by the applicant at the public hearing, the applicant may have a bar on the outdoor deck area with service limited to patrons of a banquet hall event where food is served. Such outdoor deck bar may not serve the general public on a walk-in basis, nor provide alcohol service at events where food is not served.
33. That the authorization granted herein shall be valid for a period of **TEN YEARS** **until MARCH 19, 2024**, 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 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 **APRIL 3, 2014** at the Permit Services Center (PSC), 633 East Broadway, Room 101, Monday thru Friday 7:00 am to 12:00 pm, or at the Community Development Department (CDD), 633 East Broadway, Room 103, Monday thru Friday 12:00 pm to 5 pm.

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.

Section 30.16.610 of the Glendale Municipal Code, 1995, provides for the Community Development Director to have continuing jurisdiction over any Conditional Use Permit which is or has been granted and may revoke any Conditional Use Permit in whole or in part at any time for failure to comply with any condition or requirement imposed at the time of approval.

REVOCATION, 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,



Laura Stotler
Planning Hearing Officer

LS: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-(D.Nickles); City Engineer and Traffic & Transportation Section (Roubik Golanian/G.Tom); Director of Public Works and General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (R.Takidin); Glendale Water & Power--Electric Section (M.Kelley/M.Jackson); Parks, Recreation and Community Services Dept. (E.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); Mimo Baroyan-owner; Albert Abkarian, attorney representing the owner; Ute Baum; Susan Bolan; Claudia Culling; Brock Hill; Albert Hoffman; Mr. & Mrs. Francis Jennings; Richard and Carol Lee; Grant Michals; Bill Nicoll; Jennifer Pinkerton; Tom Stapleton; Damon Wallace; Rondi Werner; Vrej Sarkissian; and case planner-Milca Toledo.