



CITY OF GLENDALE, CALIFORNIA  
Planning Department

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October 7, 2010

Jeffrey A. Seymour  
Seymour Consulting Group  
2815 Townsgate Road, Suite 140  
Westlake Village, CA 91361

**RE: USE VARIANCE CASE NO. PVAR 2010-006  
1018 E. COLORADO STREET / APNs 5674-023-005, 006, and 007**

Dear Mr. Seymour:

The Planning Commission of the City of Glendale, at its meeting of October 6, 2010, approved your application for a use variance, Case No. PVAR 2010-006, pursuant to Chapters 30.43 of Title 30 of the Glendale Municipal Code, with conditions. A copy of the adopted motion is enclosed.

Under the provisions of Section 2.88 of the Glendale Municipal Code, any person affected by the decision of the Planning Commission may appeal said determination to the City Council 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 at the hearing. Any appeal must be filed within fifteen (15) days following the date of the Planning Commission's action (**October 21, 2010**). Appeal forms will be provided upon request and must be filed in the Permit Services Center, 633 East Broadway, Room 101, with the required filing fee for such application prior to expiration of the fifteen (15) day period.

If you have any questions, please do not hesitate to call Christopher E. Baxter, Planner, at (818) 937-8162.

Sincerely,

Hassan Haghani, AICP  
Director of Planning

Christopher E. Baxter  
Planner

CC: City Clerk; Community Planning Dept.-Howard Malis; CPD-Neigh. Services-Rene Sada; Div.Glendale Water & Power; Public Works-Director; Director; PW-City Engineer; Fire Engineering Unit-Building & Safety Div.; Public Works-Environmental Management; Public Works-Maintenance Services; Public Works-Traffic & Transp.; Glendale Police Dept.-Stephen Davey; Sean Madadian; Stella Ghukasyan; Najdeh Martirosian; Simon Petrossian; Margaret Hammond; Artak Doulatyan.

Attachment: (1)

## MOTION

Moved by Commission Member Yesayan, seconded by Commission Member Landregan, that upon review and consideration of all materials and exhibits of current record relative to Use Variance Case No. PVAR-2010-006, located at 1018 E. Colorado Street, and after having conducted a hearing on said matter, the Planning Commission hereby **APPROVES** said Use Variance Case No. PVAR-2010-006, as amended, to modify the existing nightclub use and operate a new banquet hall use with alcoholic beverage sales, service and consumption, located at 1018 E. Colorado Street, in the "C3"- Commercial Services Zone, described as Portion of Lot 6, Block 13, Byram, Patterson, and Miller Subdivision in the City of Glendale, County of Los Angeles, in accord with the findings and amended conditions set forth below.

### **REQUIRED/MANDATED FINDINGS**

A. The strict application of the provisions of any such ordinance would result in practical difficulties or unnecessary hardship inconsistent with the general purposes and intent of the ordinance. The former theater building has occupied this site since 1924 in both the commercial and residential zones. Approximately one third of the former theater building and 18 parking spaces are located in the residential zone. Since 1981, a restaurant/night club use has occupied the former theater. The City recognizes that a restaurant/nightclub use share similar assembly land use characteristics with the nightclub and banquet hall uses. Implementing a strict application of the Zoning Code by not allowing the proposal at this location would result in practical difficulties or unnecessary hardships inconsistent with the general plan based on the entire historical record of commercial activity since 1924 at the site including approximately 29 years of a similar assembly-type land use.

B. There are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood because the site, located in both the commercial and residential zones, has a long history of being used for commercial purposes including the current restaurant/night club use. The City records show that it operated as a movie theater until it was converted into a bowling alley with a bar in 1953. It was converted from a bowling alley to a night club in 1964 at which time it was used as a cocktail lounge. In the early 1970s, the City records show that a variety of uses occupied the site such as a meeting hall for dances and weddings, cycle accessory shop, gymnasium, and an arcade-amusement use. Alcoholic beverages at a restaurant were granted approval in 1975 and in 1981 the first restaurant/night club with alcoholic beverage was approved. The City recognizes that the existing restaurant/nightclub use and the proposed nightclub and banquet hall share similar land use characteristics. Additionally, the parcel of land fronting Colorado Street where the former movie theater was located is configured differently than its neighbors. It is one of three properties developed for commercial uses in 1924. Whereas most properties facing Colorado Street in this block are 125 feet deep, the subject property where the proposed banquet hall is located is 201 feet deep. The exceptional depth of the property in this block is a condition that does not apply to its neighbors and can explain why it was developed to its highest and best use in 1924 with the former movie theater building being occupied today by the restaurant/nightclub.

C. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood in which the property is located based on a long history of the entire property being used for commercial uses including 29 years as a restaurant/nightclub. The City recognizes that the existing and proposed uses share similar land use characteristics. Additionally, Initial Study No. PEIF 2010-006 determined that there are either no impacts or less than significant ones after analyzing 17 factors. Neighborhood Services Section, Police Department and Traffic Engineering have commented that the proposed nightclub and banquet hall would not have adverse environmental effects on areas regulated by their Sections. Neighborhood Services and Police stated that the land use nuisance issues associated with the

previous restaurant/nightclub operations have improved under the current owner. They recommended conditions that may be applied to the project should it be approved. Traffic Engineering Section noted that the parking requirement for each assembly-type use is the same so the impacts for both would be comparable. They stated concerns that the additional number of days and hours requested provide an opportunity for more traffic to circulate in the residential and commercial neighborhoods looking for parking. However they note that it is unlikely that events and full patron occupancy would occur during all these times. The applicants have stated to staff that their primary business operations are Friday, Saturday and Sunday. Traffic Engineering indicated that traffic congestion would be insignificant due to events that generally end before 4:00 p.m. and begin after 6:00 p.m. which is before and after the typical evening rush hour period. No negative comments were received from other City Departments, including the Community Redevelopment and Housing Department, which encourages business activities throughout the City that would indicate the proposed banquet use in the residential zone will create an adverse or significant impact on the community.

D. The granting of the variance will not be contrary to the objectives of the ordinance. A review of the Land Use Element, Circulation Element and the Noise Element demonstrates that granting the variance will not be contrary to the objectives of the General Plan. The Land Use Element encourages flexibility in the range and type of services and facilities in the C3 Zone including banquet halls. A nightclub use is not allowed in either zone; however, this type of use has been granted approval by the City for approximately 29 years. The Circulation Element identifies Colorado Street as a major arterial in the Circulation Element and states its 80-foot right-of-way width meets the city standards. Adams Street is an urban collector street and its 60 foot right-of-way width also meets the city standards. Because a restaurant/night club use and a nightclub and banquet hall share similar land use characteristics, no significant traffic circulation and parking conditions should be changed from the existing condition as noted above. Section 4.43, of the Noise Element notes that potential noise impacts are controlled through the enforcement of the Noise Ordinance. It states that "In general, the City's Noise Ordinance is an excellent tool for controlling noise generated on private property throughout the City." The Noise Ordinance regulates noise that may be associated with a banquet hall including loud and unusual noises, loud vehicles (on private property), and radios/stereos.

#### CONDITIONS OF APPROVAL

APPROVAL of this Use Variance 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 Hearing Officer.
2. That all 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 all necessary licenses, permits as required or approvals from State, (Alcoholic Beverage Control) authorities shall be obtained and kept current at all times.
4. That the premises shall be operated in full accord with applicable State, County, and local laws.
5. That access to the premises shall be made available to all City of Glendale Planning Department, Neighborhood Services, Police Department, and Fire Department staff, upon request for the purpose of verifying compliance with all laws and the conditions of approval.

6. That the premises shall be operated and maintained as a nightclub and a banquet hall as defined in Chapter 30.70 Glendale Municipal Code and conditioned. No additional land uses not recognized in this approval shall be established on the subject property.
7. That the facilities shall not be rented, leased or otherwise occupied for purposes not specified in this application and as conditioned.
8. That all events shall be identified as either a nightclub event or a banquet hall event and clearly posted at each entry to the facility and made immediately available upon request by staff of the City of Glendale Planning Department, Neighborhood Services Section, Police Department and Fire Department. A nightclub and banquet hall shall be defined in Chapter 30.70 of the Glendale Municipal Code. The two types of land uses shall not operate simultaneously. Additionally, a banquet hall is a facility for private party events where access by the public is restricted. Private party events are by invitation only and not through ticket sales, cover charges, donations or contributions. A nightclub is a facility open to the general public whereby any person can attend free of charge or by means of purchasing a ticket, paying a cover charge or making a donation or contribution.
9. That the days and hours of the nightclub use shall be operation shall be as follows:  
  
Friday-Saturday: 11:00 AM to 12:00 AM (Nightclub Only)  
Sunday-Thursday: 11:00 AM to 11:00 PM (Nightclub Only)
10. That the days and hours of the banquet hall use shall be operation shall be as follows:  
  
Friday - Sunday: 11:00 AM to 2:00 AM (Banquet Hall Only)  
Monday-Thursday: 11:00 AM to 11:00 PM (Banquet Hall Only)
11. That the holiday and special events days and hours of the operation shall be as follows:  
  
Monday-Sunday: 11:00 AM to 2:00 AM (\*Holidays & Special Events)  
  
\*Holiday: Christmas, New Years, Thanksgiving, Memorial Day, Labor Day, Independence Day, Presidents Day, Martin Luther King Day, Veterans Day.  
  
\*Special Events: Valentines Day, Mother's Day, Father's Day, Yom Kippur, Ramadan, Yom Hashoah, April 24th, Islamic New Year, Halloween, Rosh Hashanah, Cinco De Mayo, Easter, St. Patrick's Day.
12. That any expansion or modification of the facility as determined by the Planning Hearing Officer to be inconsistent with this grant and allowed use shall require a new use variance application.
13. That as a minimum one (1) security guard shall be provided for every 50 patrons, two guards for 51 to 100 patrons, and one (1) additional guard shall be employed for each 100 patrons thereafter. The security guard(s) shall be on the premises from the opening to closing, each day the business is open. A written security services contract with a company licensed with the state of California shall be submitted to the Hearing Officer for verification.
14. That a minimum of one security guard shall be posted at the Adams Street exit during business hours plus one hour after closing. The security guard shall divert traffic away from residential

- streets and onto Colorado Street. No residential street parking is allowed at anytime, including any valet services that may be provided.
15. All smoking shall be done consistent with the Chapter 8.52 Glendale Municipal Code. An outdoor smoking area shall be completely designated to the west side of the nightclub and banquet hall building. Such location shall be setback twenty feet (20) from the residential zone and clearly demarcated to indicate where smokers are allowed to the satisfaction of the Community Planning Director and the Police Department. No other outdoor smoking area is allowed.
  16. That all music, lighting or other sound produced on the premises shall not be audible off-site so as not to disturb persons in the residential areas, other occupancies/businesses or on the public right-of-way.
  17. That noise shall be contained to the site and within the building, such that persons of normal sensitivity off-site are not disturbed consistent with Chapter 8.36 Glendale Municipal Code. All exterior nightclub and banquet hall doors shall remain closed. The Hearing Officer's opinion shall prevail to arbitrate any conflicts.
  18. That all music, lighting, noise and odors 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. Music shall be of a volume not to be audible from nearby residential property.
  19. That any exterior lighting shall be directed onto the driveways, walkways and parking areas within the development and away from adjacent residential properties and the public right-of-way to the satisfaction of the Hearing Officer.
  20. That Police Department emergency personnel shall be provided with a minimum of three (3) phone numbers of responsible parties in case of emergency.
  21. The applicant shall monitor the area under its control, in an effort to prevent the loitering of persons about the premises.
  22. The applicant shall not permit any public nuisance at the premise or adjacent areas outside the premise, including the parking areas. The applicant and management staff and employees are strictly responsible for security on site and for preventing criminal activity including but not limited to fights, disturbances, alcohol laws, assaults, public drunkenness, narcotic use and/or sales of narcotics, and drunk driving by patrons who are leaving the premise.
  23. That no speaker systems shall be installed in the parking area.
  24. That patrons shall not be permitted to remain in the parking area after the closure or to loiter in the parking area while business is open.
  25. 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 make disturbances in the area.
  26. That the parking area shall be kept adequately illuminated for security purposes during all hours of darkness. Lighting fixtures shall be installed and maintained in the parking area in those areas where street lights do not effectively illuminate the premises. The lighting shall be directed away from the residential properties.

27. That the premises and the adjacent public right-of-way areas be maintained in a clean and orderly condition, free of weeds, trash, and graffiti, particularly after every event.
28. That adequate means be provided for the collection of solid waste generated at the site and that all recyclable items be collected and properly disposed of to the satisfaction of the Integrated Waste Management Administrator of the City of Glendale. No trash containers shall be stored in the R-2250 Zone and any parking, driveway, or landscaping area.
29. That no outside storage shall be allowed on the site.
30. That all signs displayed shall conform to the requirements of the Glendale Municipal Code.
31. The following live entertainment is not allowed:
  - a. No modeling contests or events
  - b. No swimwear contests or events
  - c. No bikini contests or events
  - d. No lingerie contests or events
  - e. All entertainers must be completely clothed
  - f. No "string" or "thong" apparel may be worn by entertainers.
32. There shall be no bikini contests or similar dances or special events such as wet T-shirt contests, lingerie dances or female/male modeling contests. The owner is prohibited from advertising or allowing such events. No special events are allowed that would otherwise sexually arouse the patrons, the employees, or the entertainers.
33. Signs in the form of posters advertising for any of the above activities are not allowed. Signs that depict nude, semi-nude, see-through, or bikini clad people is also prohibited.
34. 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.
35. No booth or group seating shall be installed which completely prohibits observation of the occupants.
36. There shall be no bikini contests or similar dances or special events such as wet T-shirt contests, lingerie dances or female/male modeling contests. The owner is prohibited from advertising or allowing such events. No special events are allowed that would otherwise sexually arouse the patrons, the employees, or the entertainers.
37. "Happy hour," "Ladies night," "Men's night," and "All the well drinks you can drink for a certain price" are activities that are prohibited.
38. That the applicant shall provide off-site parking through leases or other agreements that will accommodate banquet clients for an additional 100 spaces to the satisfaction of the Director of the Community Planning, and these leases will be kept on file with the Planning Division.
39. That the applicant shall comply with all the conditions of Conditional Use Permit Case No. PCUP-2010-013.

40. That the authorization granted herein shall be valid until **February 9, 2013**, at which time reapplication must be made.

VOTE:

Ayes: Landregan, Scheetz, Yesayan, Kane  
Noes: None  
Abstain: None  
Absent: Lee