

January 27, 2016

Rodney V. Khan
1111 North Brand Blvd
Glendale, CA. 91204

**RE: 417 1/2 NORTH BRAND BOULEVARD
CASE NO. PAUP 1526728**

Dear Mr. Khan:

On January 27, 2016 the Planning Hearing Officer conducted and closed a public hearing, pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.49, on your application for a administrative use permit to allow the sales, service or consumption of alcohol at a nightclub/banquet hall in the "DSP/GAT" - Downtown Specific Plan Zone - Gateway District, located at **417 1/2 North Brand Boulevard**, described as Lot 18, Campbell Tract in the City of Glendale, County of Los Angeles.

APPLICANT'S PROPOSAL

Administrative Use Permit

- 1) To allow the continued sales, service and consumption of alcohol at a night club/banquet hall

CODE REQUIRES

Administrative Use Permit

- 1) Approval of an Administrative Use Permit is required for the sales, service or consumption of alcohol at nightclub/banquet hall in the "DSP/GAT" – Downtown Specific Plan/Gateway District.

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

The subject site is located in Downtown Glendale, in the Downtown Specific Plan Land Use area and within the Gateway District, as listed in the Downtown Specific Plan. The focus of the Gateway District is the “continued promotion and location of corporate headquarters, new hotels, mixed-use and residential buildings, complementary/accessory service and retail businesses at the street level, as well as the introduction of appropriate night-time entertainment uses” (DSP, page 24). The Downtown Specific Land Use area also encourages entertainment uses in the downtown area. Alcoholic beverage sales are conditionally permitted uses within the Gateway District zone, and therefore, consistent with the land use designations. As such, the proposed nightclub and banquet hall with the on-site sale, service and consumption of alcoholic beverages is consistent with the intent of these plans.

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 application is essentially for the renewal of a previously approved Conditional Use Permit for a nightclub with the on-site sale, service and consumption of alcoholic beverages. The banquet hall use (to be added) will function in the same manner as the nightclub, except that it will not be open to the public. The previous establishment was in operation for almost 20 years, with the service of alcoholic beverages for over 10 years. There were calls for police service within the last calendar, however the Police Department did not object to approval of the application. Building Code and Fire and Police requirements will continue to be enforced. Therefore, the continued operation of the use is not expected to be detrimental to the public health or safety, the general welfare, or the environment.

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

The adjacent uses include restaurant, retail and office establishments, while the Specific Plan calls for high-rise office and residential, hotels, and other uses which support the adjacent uses and their patron/residents. The on-site sale, service and consumption of alcoholic beverages at a nightclub or banquet facility would generally be regarded as compatible with such uses, especially when the Downtown Specific Plan calls for the introduction of appropriate night-time entertainments uses such as the subject establishment.

D. Adequate public and private facilities such as utilities, landscaping, parking spaces and traffic circulation measures are provided for the proposed use.

The original building was constructed in 1936 and a nightclub use was in operation at the subject location for approximately 20 years with all public and private facilities

in place. While there is no parking required due to the business' legal nonconforming status, the applicant will secure parking at a nearby parking structure, and valet service typically will be provided for event patrons. Continued operation of the nightclub with the on-site sale, service and consumption of alcoholic beverages, with the addition of banquet hall uses, is not expected to have any impact on the provision of adequate public and private facilities.

E. That all the additional 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. The subject site is located in Census Tract No. 3018.01. A total of three on-site licenses are recommended for this census tract. Presently, there are 12 alcohol licenses in this tract and Beyond the Stars is one of the 12. This location has an "active" Type 47 liquor license (On-Sale General Eating Place). Given that the existing establishment has one of the 12 licenses, rather than proposing a new license; the proposed use will not intensify or otherwise contribute to the adverse impacts on the surrounding area caused by such over concentration.
2. This census tract, as a whole, also exceeds the City's average for Part 1 crimes; based on Part 1 crime statistics for 2014, there were 226 crimes, above the city-wide average of 173. Additionally, there were a few calls for police service at the location. The Police Department reviewed the applicant's request and based on the nature of the business and its past history, they did not express concerns about the project. Furthermore, because this request is to continue operation in basically the same manner, approval of the conditional use permit and administrative use permit is not anticipated to encourage or intensify crime within the district.
3. The existing use does not and will not adversely impact any church, public or private college, day care facility, public park, library, hospital or residential use within the surrounding area. The nightclub/banquet hall is within a highly developed, urban area of Downtown Glendale. The Central Library, located at 222 East Harvard Street, is .7 miles away. The closest public parks are the Chess Park, located at 227 North Brand Boulevard (.2 miles away), Doran Gardens Mini Park, located at 327 West Doran Street (.3 miles away), and Glendale Central Park and Adult Recreation Center, located at 201 East Colorado Street (.8 miles away). The closest churches are the First United Methodist Church of Glendale, at 134 North Kenwood Avenue, and Incarnation Catholic Church, at 1001 North brand Boulevard, both of which are half a mile from the subject site. The property is buffered from residential uses to the east of Brand Boulevard and to the west of Central Avenue.
4. Adequate parking and loading facilities will be provided for the use. The use was served, and will continue to be served by a 200 space parking structure to the west of the project site or a nearby parking structure, and valet service will be provided for event or banquet patrons. Also, there is street parking available on Brand Boulevard and in the Orange Street public parking structure. Hence, parking is adequately

available for the continued operation of the nightclub and the addition of the banquet hall use.

CONDITIONS OF APPROVAL

APPROVAL of this Administrative Use Permit shall be subject to the following conditions:

- 1) That the development shall be in substantial accord with the plans submitted with the application and presented at the hearing except for any modifications as may be required to meet specific Code standards or other conditions stipulated herein to the satisfaction of the Planning Hearing Officer.
- 2) That all necessary permits (i.e., building, fire, engineering, etc.) 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 the premises shall be maintained in a clean and orderly condition, free of weeds, trash and graffiti.
- 5) That the facilities shall not be rented, leased or otherwise occupied for purposes not specified in this application.
- 6) That any expansion or modification of the facility or use which intensifies the existing Conditional Use Permit or Administrative Use Permit shall require a new Conditional Use Permit and Administrative 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.
- 7) That all music, lighting, noise and odors shall be confined within the building so as not to disturb occupants of other adjacent businesses or properties, and patrons on the public right-of-way. The Planning Hearing Officer's opinion shall prevail to arbitrate any conflicts.
- 8) 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 a parking, driveway or landscaping area.

- 9) 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.
- 10) That all signs displayed shall conform to the requirement of the Glendale Municipal Code.
- 11) That noise shall be contained to the site, such that persons of normal sensitivity off-site are not disturbed. The Planning Hearing Officer's opinion shall prevail to arbitrate any conflicts.
- 12) That no exterior signs advertising the sales/service of alcoholic beverages be permitted, banners shall be prohibited, and all signs displayed shall conform to the requirements of the Glendale Municipal Code.
- 13) 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.
- 14) That sufficient measures be enforced to effectively eliminate interior and exterior loitering, parking congestion, and disturbing noise, disturbing light, loud conversation and criminal activities.
- 15) That access to the premises shall be made available upon request to all City of Glendale authorized staff (i.e. Community Development Department, Fire Department, Police Department, etc.) for the purpose of verifying compliance with all laws and the conditions of this approval.
- 16) That a Business Registration Certificate shall be obtained to reference this conditional use permit and administrative use permit.
- 17) That the facilities shall not be rented, leased or otherwise occupied for purposes not specified.
- 18) That the facility shall adhere to the City's Fresh Air (smoking) Ordinance.
- 19) That the sales, service or consumption of alcoholic beverages shall be permitted only between the hours of 10:00 a.m. to 2:00 a.m. each day of the week.
- 20) That 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. Panic bar hardware with automatic alarm shall be provided.
- 21) 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.

22) That a minimum of 2 security guards and 1 Banquet Manager shall be present for events exceeding 100 patrons, so that they may intervene in disturbances and be a direct contact for a police response.

23) The authorization granted herein shall be valid for a period of **5 YEARS, UNTIL JANUARY 27, 2021**, 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 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. 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 **February 11, 2016**, 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. Visit us.

TRANSFERABILITY

This authorization runs with the land or the use for which it was intended for and approved. In the event the property is to be leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions and/or limitations of this grant.

VIOLATIONS OF THESE CONDITIONS

Violations of conditions required by this determination may constitute a misdemeanor or infraction under section 1.20.010 of the Glendale Municipal Code (GMC) and/or a violation of other local, State or Federal laws or regulations. Unless a specific penalty is provided, any person convicted of a misdemeanor shall be punished by a fine not to exceed one thousand dollars (\$1,000.00), or imprisonment for a term not to exceed six (6) months, or by both fine and imprisonment. Infractions are punishable by a fine not exceeding the sum of five hundred dollars (\$500.00) for each violation. Violations of conditions required by this determination may be grounds for a revocation.

REVOCAION, CONTINUING JURISDICTION

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over variances, administrative use permits, 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 30.4 PROVIDES FOR

Termination

Every right or privilege authorized by an administrative 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 administrative 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 administrative use permit.

Cessation

An Administrative Use Permit may be terminated by the review authority upon any interruption or cessation of the use permitted by the Administrative Use Permit for one year or more in the continuous exercise in good faith of such right and privilege.

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. 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.

Sincerely,


Bradley M. Collin
Planning Hearing Officer

BC: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-(J.Halpert); 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. Mirzaians); 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 planner Kathy Duarte.