



July 7, 2017

Domus Design
Attention: Garo Nazarian
109 East Harvard Street, Suite 306
Glendale, CA 91205

**RE: 811 EAST COLORADO STREET
ADMINISTRATIVE USE PERMIT NO. PAUP 1705927**
(Marquis Club and Restaurant)

(ALSO SEE: PCUP 1701855)

On June 21, 2017, the Planning Hearing Officer conducted and closed a public hearing, pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.49, the Community Development Department has processed your application for an Administrative Use Permit to allow the continued sales, service and on-site consumption of alcoholic beverages at the same location, in the "C3" – Commercial Services Zone, located at **811 East Colorado Street**, described as Portions of Lots 9, 10 and 11, Block 4, Glendale Orange Grove Tract, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

- (1) Approval of an Administrative Use Permit is required for the sales, service and on-site consumption of alcoholic beverages in the "C3" zone.

APPLICANT'S PROPOSAL

- (1) To allow the continued sales, service and on-site consumption of alcoholic beverages in the "C3" 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 above analysis by Community Development Department staff, and any comments received from the public with respect to this application, this Administrative Use Permit application is **APPROVED WITH CONDITIONS** based on the following:

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

The land use designation of the subject site is Community Services Commercial. This designation is restrictive in terms of uses allowed, similar to that of Neighborhood Commercial areas, but for a larger market scale. The banquet hall with the sales, service

and consumption of alcoholic beverages is consistent with the City's Land Use Element. Banquet halls, by their very nature are uses which draw customers from a wide geographic area. Alcoholic beverages sales, service and consumption are permitted with approval of an administrative use permit within the C3 – Commercial Services Zone. Serving alcoholic beverages in conjunction with a banquet hall is a common ancillary use. As such, the sales, service and consumption of alcoholic beverages is consistent with the intent of the Land Use Element. Given that the administrative use permit application only requests the sales, service and consumption of alcoholic beverages, other elements of the General Plan, including the Open Space, Recreation and Housing Elements will not be impacted as a result of the project. Conditions included in this approval of the project will ensure that the project complies with the Noise Ordinance and, as such, will be consistent with the Noise Element.

The Circulation Element classifies East Colorado Street as a major arterial street and Everett Street as a local street. The sales, service and consumption of alcoholic beverages, which necessitates the requested administrative use permit should not add traffic to the surrounding area since the banquet hall floor area is not increasing to accommodate additional patrons to this facility and alcohol service is already present. As such, traffic should not be impacted as a result of the project and the project will be in compliance with the Circulation Element.

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 sales, service and consumption of alcoholic beverages at Marquis will not be detrimental to the safety and public welfare of the neighborhood. As previously mentioned, Marquis has operated on the subject site as a banquet hall serving alcoholic beverages for a number of years. No expansion of the actual banquet area to accommodate additional patrons is proposed. The banquet hall is located in census tract 3022.01, where the suggested limit for on-sale alcohol establishments is three. Currently, there are 27 on-sale establishments in this tract, including the Marquis. The subject request will not increase the amount of on-sale licenses within the census tract, so it is not anticipated to generate any adverse impacts on the surrounding area caused by over concentration. Based on Part 1 crime statistics for this census tract, there were 213 crimes, where the citywide average is 194 (approximately 10 percent above citywide average). The Glendale Police Department did not cite concern regarding the renewal of sale, service and onsite consumption of alcoholic beverages.

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

The applicant's request will not adversely conflict with adjacent uses or impede the normal development of the surrounding property. For the past approximately seven years, the Marquis has operated at the site with a conditional use permit without major incident on record. While there are multi-family residential units directly adjacent to the north of the site, the facility's main entry faces south towards East Colorado Street, away from the residential properties.

The Marquis proposes the same hours of operation as the previous Conditional Use Permit as follows: 11:00 a.m. to 9:00 p.m. Tuesday through Thursday, 11:00 a.m. to 2:00 a.m. Friday through Saturday and closed on Monday (except for holidays and special events). For special events, the operation hours are from 7:00 p.m. to 2:00 a.m., Monday through Thursday. The Police Department commented that within the last calendar year, a total of three separate calls for service were reported at this location regarding noise (loud music and employees remaining outside) and smoking. During two of the incidents the establishment was advised to turn off the music, and one incident there were no evidence of loud music playing. Conditions are included in this approval to mitigate these reported concerns. Overall, the Glendale Police Department did not cite major concern regarding this proposal. Further, no evidence was submitted nor presented at the public hearing that would indicate that the Marquis has been or will be a problem in the future.

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. In 2010, the Zoning Administrator approved a parking reduction permit and parking use permit in conjunction with the previous conditional use permit for the Marquis. The parking reduction permit allowed for the code required amount of parking of 60 parking spaces to be reduced to 44 parking spaces (4 single and 40 tandem parking spaces with valet service). The parking use permit supplemented the parking amount with an additional 48 parking spaces (14 single and 34 tandem) at the adjacent carwash (725 East Colorado Street) across Everett Street to the west after the hour of 5:00 p.m. Since 2010, no records of any parking related incidents or impacts to the surrounding neighborhood have been reported. This application does not propose any added floor area to the existing building or changes to the establishment's operations, therefore, no increase in parking demand is being created. As a result, the existing utilities, landscaping, parking spaces, and traffic circulation measures are adequate as they are already in place.

REQUIRED ADDITIONAL FINDINGS OF FACT FOR AN AUP FOR ALCOHOL SALES, SERVICE AND CONSUMPTION:

A. That all the criteria set forth in Section 30.49.030 (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 3022.01, where the suggested limit for on-sale alcohol establishments is three. Currently, there are 27 on-sale establishments in this tract, including the Marquis. The subject request will not increase the amount of on-sale licenses within the census tract, so it is not anticipated to generate any adverse impacts on the surrounding area caused by over concentration. Based on Part 1 crime statistics for this census tract, there were 213 crimes above the citywide average of 194 (approximately 10 percent above citywide average). The Glendale Police Department did not cite concern regarding the renewal of sale, service and onsite consumption of alcoholic beverages.

2. Based on Part 1 crime statistics for this census tract, there were 213 crimes above the citywide average of 194. The Glendale Police Department did not cite any concerns regarding this proposal. Within the last calendar year, a total of three separate calls for service were reported to this location regarding loud music, employees and smoking.
3. During two of the incidents the establishment was advised to turn off the music, and one incident there was no evidence of loud music playing. Conditions are included to mitigate these reported concerns.
4. The proposed continued sales, service and onsite consumption of alcoholic beverages at an existing full-service restaurant/banquet hall will not adversely affect or conflict with adjacent uses or impede normal development of surrounding properties. There are no churches, libraries, schools, or hospitals in the immediate vicinity of 500 feet. However, there are existing multi-family residences adjacent to the north and a park (Elk Mini Park) approximately 400 feet south of the subject site on Elk Avenue. Various City departments have been notified of this application and no concerns have been raised regarding the nature of this request on the surrounding uses.
5. That the proposed use satisfies its transportation or parking needs as described above in finding D.
6. Overall, the applicant's requests are supportable based on the facts surrounding this application. The applicant's request for the sales, service and on-site consumption of alcoholic beverages at the existing establishment serves a public convenience because it serves local residents and the surrounding community. Conditions included as part of this approval of the project will ensure that it will not adversely impact business and residential uses.

CONDITIONS OF APPROVAL

APPROVAL of the Administrative 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 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 shall require a new administrative use permit. Expansion shall constitute adding of an additional unit, floor area, increased hours of operation, or any other physical change as determined by the Planning Hearing Officer.
7. 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.
8. That no speaker systems shall be installed in the parking area.
9. 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. No lighting shall be installed or maintained which shines or reflects onto adjacent properties.
10. 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.
11. That patrons shall not be permitted to remain in the parking area after closure or to loiter in the parking area while the business is open.
12. 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.
13. That all signs displayed shall conform to the requirements of the Glendale Municipal Code.
14. That no exterior signs advertising the sales/service of alcoholic beverages shall be permitted.
15. That the sale, service and consumption of alcoholic beverages at the restaurant shall be incidental to the selling of food.
16. 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.
17. That the front and back doors of the establishment shall be kept closed at all times, except in case of an emergency.
18. That access to the premises shall be made available to all City of Glendale Planning and Neighborhood Services Division, Police Department, and Fire Department staff upon request for the purpose of verifying compliance with all laws and conditions of this approval.
19. That noise shall be contained to the edifice of the establishment and the site, such that persons of normal sensitivity off-site are not disturbed. The business shall comply with all state and local laws and ordinances concerning excessive noise and disturbing the peace. The Planning Hearing Officer's opinion shall prevail to arbitrate any conflicts.

20. That banquets or private parties held at this facility and the sales, service and consumption of alcoholic beverages shall adhere to the following hours of operation: 11:00 a.m. to 9:00 p.m. Tuesday through Thursday and 11:00 a.m. to 2:00 a.m. Friday and Saturday and other holidays which do not fall on a Friday or Saturday. For special events, 7:00 p.m. to 2:00 a.m. Monday through Thursday.
21. That both parking lots (811 East Colorado Street and 725 East Colorado Street) shall be monitored by at least one licensed security officer during hours of operation of an event.
22. That the unpermitted attached 128 square-foot storage room shall obtain a Building Permit, or be removed.
23. That the applicant shall comply with all the conditions of approval for Case Nos. PCUP 1701855, PPR-2009-001 and PPUP-2009-004.
24. That authorization granted herein shall be valid for a period of **TEN (10) YEARS UNTIL JULY 7, 2027**, 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 **JULY 24, 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>

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.

REVOCACTION, 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 30.41 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.

Should you have any questions regarding this issue, please do not hesitate to contact the case planner, Dennis Joe at (818) 937-8157 or djoe@glendaleca.gov

Sincerely,
Phil Lanzafame
Director of Community Development



Milca Toledo
Planning Hearing Officer

DJ:MT: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 – Dennis Joe.