



CITY OF GLENDALE, CALIFORNIA
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division

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June 19, 2013

Shoghigh Yepremian
P. O. BOX 583
Sierra Madre, CA 91025-0583

RE: 1018 EAST COLORADO STREET
(1) USE VARIANCE CASE NO. PVAR 1302080
(2) CONDITIONAL USE PERMIT NO. PCUP 1302083 – Alcoholic Beverages
(3) CONDITIONAL USE PERMIT NO. PCUP 1302096 – Banquet Hall

Ladies and Gentlemen:

The Planning Commission of the City of Glendale, at its meeting held on June 19, 2013, conducted a public hearing and pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapters 30.42 and 30.43, **APPROVED WITH CONDITIONS** on your applications for a *Use Variance (PVAR 1302080)*, and *two Conditional Use Permits (PCUP 1302083 for Alcoholic Beverages & PCUP 1302096 for a Banquet Hall)* to continue operating the existing banquet hall and nightclub uses with alcoholic beverage sales, service and consumption in the "C3" - Commercial Service and "R-2250" - Medium Density Residential Zones, described as Portion of Lot 6, Block 13, Byram, Patterson and Miller Subdivision, in the City of Glendale, County of Los Angeles.

Three motions dated June 19, 2013, adopted by the Planning Commission are attached. (*Use Variance - PVAR 1302080, and two Conditional Use Permits- PCUP 1302083 for Alcoholic Beverages & PCUP 1302096 for a Banquet Hall*)

Under the provisions of the Glendale Municipal Code, Title 30, Chapter 2.88, 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 Building and Safety Division upon request and must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **JULY 5, 2013**, in the Building and Safety Division, 633 East Broadway, Room 101.

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

Sincerely,

Hassan Haghani, AICP
Director of Community Development



Christopher Baxter
Planner

CEB:sm

CC: City Clerk (K.Cortes); Police Dept. (T. Feeley/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); Dir. 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. (Emil 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);A.Dovlatyan; S.Morcos; and case planner – Christopher Baxter.

MOTION

(for Use Variance Case No. PVAR 1302080)

Moved by Planning Commissioner Landregan, seconded by Planning Commissioner Scheetz, that upon review and consideration of all materials and exhibits of current record relative to Use Variance Case No. PVAR 1302080, located at 1018 East Colorado Street, and after having conducted a hearing on said matter, the Planning Commission hereby **APPROVES WITH CONDITIONS** said Use Variance Case No. PVAR 1302080, to allow a banquet hall and nightclub with alcohol sales, service and consumption in the "R-2250" Zone, and a nightclub with alcohol sales service and consumption in the "C3" Zone where these uses are not allowed, located at 1018 East Colorado Street in the "R-2250 Zone" and 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 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 property is located in both a commercial and a residential zone with approximately one third of the former theater building and 18 parking spaces located in a residential zone. The former theater building is part of a small group of commercial businesses and apartments that have occupied this property since 1924. Since 1981, restaurant and nightclub uses with alcohol service have occupied the former theater, and since 2010 a banquet hall and nightclub (Palladio's) with alcohol service has operated on the project site. No changes are proposed to Palladio's existing floor plan and method of operation. Palladio has operated responsibly with the conditions in the previous decision letters granting the project, including maintaining lease agreements for the two off-site parking lots. Based on the entire historical record of commercial activity since 1924, including approximately 31 years of similar assembly-type land uses, there is no record of adverse impacts to the residential and business community. Therefore, implementing a strict application of the Zoning Code would result in practical difficulties and unnecessary hardships inconsistent with the general plan.

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 properties in the same zone or neighborhood.

The site is located in both the commercial and residential zones, and has a long history of being used for commercial purposes including the current uses. The City records show that tenant space 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 and cocktail lounge in 1964. Alcoholic beverages at a restaurant were granted approval in 1975 and in 1981 the restaurant and nightclub with alcoholic beverages was approved. Additionally, the property fronting Colorado Street is configured differently than its neighbors and is one of three properties in 1924 developed with commercial uses partially in a residential zone. Whereas most properties facing Colorado Street in this block are 125 deep, the subject property is 201 feet deep. The exceptional depth of the property in this block is a condition that does not apply to its immediate commercial neighbors and can explain why it was developed to its highest and best use as a movie theater in 1924 and how it has transitioned into banquet hall and nightclub uses.

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 purposes, including 31 years as assembly-type uses serving alcohol. Initial Study No. PEIF 2010-006 determined that there are either no impacts or less than significant impacts. The Police Department submitted comments that the Part 1 (felony) crimes in the census tract where Palladio is located do not exceed the city average and none are associated with Palladio. Since 2010, Traffic Engineering said they received two requests for restricted parking permits because either Palladio employees or patrons were parking on residential streets. However, as of March 6, 2013 no applications to restrict parking were returned to them. They also stated that they did not receive any complaints about the existing valet service for the two off-site parking lots. A condition to provide an additional 100 off-site parking spaces through lease agreement(s) is included in this approval.

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 31 years and shares similar assembly land use characteristics with a banquet hall. 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 banquet hall and nightclub share similar land use characteristics, no significant traffic circulation and parking conditions would change from the existing condition. Technically the banquet hall and nightclub comply with the legal non-conforming section of the zoning code; however, the actual impact of the 14,705 square-foot facility (6,109 square feet of viewing area with an occupancy load of 534 persons) could likely generate a parking demand greater than the 35-space valet parking lot. A condition requiring 100 additional off-site parking spaces through lease agreements ensures that parking spaces will be available when the on-site parking lot is full. The Noise Element notes that potential noise impacts are controlled through the enforcement of the Noise Ordinance.

CONDITIONS OF APPROVAL

APPROVAL of this Use Variance Case No. PVAR 1302080 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 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 and Neighborhood Services Division, 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 and Neighborhood Services Division, Police Department and Fire Department. Nightclub and banquet hall are 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 operation of the nightclub use shall be as follows:

Friday-Saturday: 11:00 AM to 1:00 AM (Nightclub Only)
Sunday-Thursday: 11:00 AM to 12:00 AM (Nightclub Only)
10. That the days and hours of operation of the banquet hall use 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 Director of Community Development to be inconsistent with this grant and allowed use shall require a new use variance application.
13. That as a minimum one security guard shall be provided for every 50 patrons, two guards for 51 to 100 patrons, and one 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. In the event that a pattern of security problems relating to and including but not limited to crimes, public intoxication, loitering, noise violations of Chapter 8.36 of the Glendale Municipal Code should occur with the nightclub as reported by the Police Department, the applicant, Director of Community Development and the Police Chief shall meet to develop a plan for security operations to be implemented by the applicant.
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. That at all times when the premises are open for business, the sale, service and consumption of any alcoholic beverage shall be made only in areas designated with an Alcoholic Beverage Control (ABC) license.
16. That no patron shall bring or maintain any alcoholic beverage into the establishment unless that alcoholic beverage was purchased within that same establishment or unless the facility has an established corkage policy that it actively regulates.

17. That all smoking activities shall be 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 20 feet from the residential zone and clearly demarcated to indicate where smokers are allowed to the satisfaction of the Director of Community Development and the Police Department. No other outdoor smoking area is allowed.
18. That noise and music shall be contained to the building and confined to the occupancy so as not to disturb occupants of residences, businesses, patrons on the public right-of-way and other properties 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. Music shall be of a volume not to be audible from nearby residential property. The Director of Community Development's opinion shall prevail to arbitrate any conflicts.
19. That all odors shall be confined to the occupancy so as not to disturb nearby residential properties, occupants of other businesses and properties and patrons on the public right-of-way.
20. 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 Director of Community Development.
21. That Police Department emergency personnel shall be provided with a minimum of three phone numbers of responsible parties in case of emergency.
22. That the applicant shall monitor the area under its control, in an effort to prevent the loitering of persons about the premises.
23. That 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.
24. That no speaker systems shall be installed in the parking area.
25. That patrons shall not be permitted to remain in the parking area after closure of the business or to loiter in the parking area while business is open.

26. 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.
27. 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.
28. 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.
29. 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 or any parking, driveway, or landscaping area.
30. That no outside storage shall be allowed on the site.
31. That all signs displayed shall conform to the requirements of the Glendale Municipal Code.
32. That there shall be no live entertainment, contests or similar dances or special events such as those listed below. 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.
 - Modeling contests or events
 - Swimwear contests or events
 - Wet T-shirt contests or events
 - Bikini contests or events
 - Lingerie contests or events or female/male modeling contests
 - All entertainers must be completely clothed and not wear just "string" or "thong" apparel.
33. That 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. 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.
35. That no booth or group seating shall be installed which completely prohibits observation of the occupants.
36. That "Happy hour," "Ladies night," "Men's night," and "All the well drinks you can drink for a certain price" are prohibited.
37. 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 Community Development, and these leases will be kept on file with the Planning and Neighborhood Services Division.
38. That the applicant shall comply with all the conditions of Conditional Use Permit Case No. PCUP1302083 as specified in the decision letter dated June 19, 2013.
39. That the applicant shall comply with all the conditions of Conditional Use Permit Case No. PCUP1302096 as specified in the decision letter dated June 19, 2013.
40. That the authorization granted herein shall be valid for a period of **ten (10) years until June 19, 2023**, at which time reapplication must be made.

VOTE

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

MOTION

(for alcoholic beverage sales - Conditional Use Permit Case No. PCUP 1302083)

Moved by Planning Commissioner Landregan, seconded by Planning Commissioner Scheetz, that upon review and consideration of all materials and exhibits of current record relative to Conditional Use Permit Case No. PCUP 1302083, located at 1018 East Colorado Street, and after having conducted a hearing on said matter, the Planning Commission hereby **APPROVES WITH CONDITIONS** said Conditional Use Permit Case No. PCUP 1302083, to allow alcohol sales, service and consumption in the "C3" Zone where alcohol use is allowed with a conditional use permit, located at 1018 East Colorado Street in the "R-2250" Zone and 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 set forth below.

REQUIRED/MANDATED FINDINGS

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

The applicant is seeking approval of a conditional use permit to allow the sales, service and consumption of alcoholic beverages at the existing banquet hall and nightclub. The Land Use Element allows alcohol sales, service and consumption in the "C3" Zone with the approval of a conditional use permit. The proposed use would be consistent with the Land Use Element by increasing the range and type of services and facilities provided to maintain attractive and compatible commercial uses in the area. Public record shows that restaurant and nightclub uses have been in existence at this location since May 1981 and a banquet hall use since 2010. Colorado Street is identified as a major arterial in the Circulation Element and its 80-foot right-of-way width meets the city standards for arterial roadway width. Adams Street is an urban collector street and its 60 foot right-of-way width meets the city standards. The Noise Element discusses land use conflicts related to noise which is controlled through the enforcement of the Noise Ordinance which regulates potential nuisance noise that may be associated with assembly uses.

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 chronology of the site indicates that many commercial land uses with alcoholic beverage sales, service and consumption have operated at this

location. The former theater, where the current banquet hall and nightclub is located, has been an assembly-type use with alcohol sales since May 1981. Numerous City conditional use permits and use variances have been approved on a periodic basis as renewals were required until the present time, including the proposed banquet hall and nightclub. The Police Department said that Palladio is one of four existing establishments selling alcohol in the Census Tract No. 3022.02 and as a result alcohol sales do not exceed the recommended number. Additionally, no Part 1 (felony) crimes were associated with Palladio.

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

The General Plan addresses compatibility issues of commercial and residential land uses in order to foster a productive and thriving community. The conditional use permit process allows the City to determine if land uses such as alcohol sales at a banquet hall and nightclub would be consistent with the General Plan so as to prevent potential negative impacts to the neighborhood. In 2010, Initial Study No. PEIF 2010-006 was prepared for the current banquet hall and nightclub with alcohol service to determine potential adverse impacts to the community; however, no impacts or less than significant impacts were identified. Additionally, conditions of approval were added to ensure compliance with City codes, ordinances and regulation. The current proposal will continue the same operation without changes; therefore, it is not anticipated there will be any new adverse impacts.

D. Adequate public and private facilities such as utilities, landscaping and parking spaces are or will be provided for the proposed use consistent with the City's General Plan and its codes and regulations.

This site and the surrounding neighborhood are developed with adequate public and private facilities and infrastructure. The proposal will continue operating the banquet hall and nightclub in the former movie theater. Alcohol service has been an integral part of the restaurant and nightclub uses since May 1981 and the banquet hall since 2010. Private parking facilities consistent with the City's Codes are available for employees and patrons on the site and 100 off-site parking spaces are available in the immediate neighborhood as conditioned in 2010 through lease agreements. This condition was added because the on-site parking lot is technically in compliance with the legal non-conforming section of the zoning code; however, the actual impact of the 14,705 square-foot facility (6,109 square feet of viewing area with an occupancy load of 534 persons) could likely generate a parking demand greater than the 35-space valet parking lot.

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

1. The banquet hall use is not located in a census tract with more than the recommended maximum concentration of off-site uses as recommended by the California Department of Alcoholic Beverage Control. The existing facility will not intensify or otherwise contribute to the adverse impacts on the surrounding area;
2. The banquet hall use is not located in a crime reporting district with a crime rate which exceeds 20 percent of the city average for Part I crimes, as reported by the Glendale Police Department. The banquet hall use will not encourage or intensify crime within the district because the existing assembly use is currently operating without adverse impact to the community and no changes are proposed;
3. The banquet hall use will not adversely impact any church, public or private school or college, day care facility, public park, library, or hospital within the surrounding area because the above land use is in the immediate vicinity and because the existing banquet hall use has not adversely impacted those uses beyond the area. Traffic Engineering received two requests from an individual stating that Palladio employees and patrons were parking on the adjacent residential streets. Two street parking permit applications were mailed to the resident but neither one have been returned to the City. No complaints have been filed about the valet service.
4. That adequate on-site and off-site parking facilities are provided, as discussed in Finding D immediately above and conditioned below, for the proposed banquet hall and nightclub uses that satisfy the transportation and parking needs of the existing assembly uses. The proposed project will not increase floor area, change its method of operation and parking. The two uses have the same parking and loading requirements.
5. That, notwithstanding consideration of the criteria in subsections 1 through 4 above, the proposed banquet hall use will serve a public convenience purpose for the area because assembly uses with alcohol service has operated at this location since 1981 and such uses are recognized by the City's Land Use Element.

CONDITIONS OF APPROVAL

APPROVAL of this Conditional Use Permit Case to allow alcohol sales, service and consumption No. PCUP 1302083, 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 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 and Neighborhood Services Division, 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 and Neighborhood Services Division, Police Department and Fire Department. Nightclub and banquet hall are 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 operation of the nightclub use shall be as follows:

Friday-Saturday: 11:00 AM to 1:00 AM (Nightclub Only)
Sunday-Thursday: 11:00 AM to 12:00 AM (Nightclub Only)

10. That the days and hours of operation of the banquet hall use 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 Director of Community Development to be inconsistent with this grant and allowed use shall require a new use variance application.

13. That as a minimum one security guard shall be provided for every 50 patrons, two guards for 51 to 100 patrons, and one 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. In the event that a pattern of security problems relating to and including but not limited to crimes, public intoxication, loitering, noise violations of Chapter 8.36 of the Glendale Municipal Code should occur with the nightclub as reported by the Police Department, the applicant, Director of Community Development and the Police Chief shall meet to develop a plan for security operations to be implemented by the applicant.

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. That at all times when the premises are open for business, the sale, service and consumption of any alcoholic beverage shall be made only in areas designated with an ABC license.
16. That no patron shall bring or maintain any alcoholic beverage into the establishment unless that alcoholic beverage was purchased within that same establishment or unless the facility has an established corkage policy that it actively regulates.
17. That all smoking activities shall be 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 20 feet from the residential zone and clearly demarcated to indicate where smokers are allowed to the satisfaction of the Director of Community Development and the Police Department. No other outdoor smoking area is allowed.
18. That noise and music shall be contained to the building and confined to the occupancy so as not to disturb occupants of residences, businesses, patrons on the public right-of-way and other properties 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. Music shall be of a volume not to be audible from nearby residential property. The Director of Community Development opinion shall prevail to arbitrate any conflicts.
19. That all odors shall be confined to the occupancy so as not to disturb nearby residential properties, occupants of other businesses and properties and patrons on the public right-of-way.
20. 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 Director of Community Development.
21. That Police Department emergency personnel shall be provided with a minimum of three phone numbers of responsible parties in case of emergency.

22. That the applicant shall monitor the area under its control, in an effort to prevent the loitering of persons about the premises.
23. That 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.
24. That no speaker systems shall be installed in the parking area.
25. That patrons shall not be permitted to remain in the parking area after closure of the business or to loiter in the parking area while business is open.
26. 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.
27. 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.
28. 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.
29. 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 or any parking, driveway, or landscaping area.
30. That no outside storage shall be allowed on the site.
31. That all signs displayed shall conform to the requirements of the Glendale Municipal Code.
32. That there shall be no live entertainment, contests or similar dances or special events such as those listed below. 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.

- Modeling contests or events
 - Swimwear contests or events
 - Wet T-shirt contests or events
 - Bikini contests or events
 - Lingerie contests or events or female/male modeling contests
 - All entertainers must be completely clothed and not wear just “string” or “thong” apparel.
33. That 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. 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.
35. That no booth or group seating shall be installed which completely prohibits observation of the occupants.
36. That “Happy hour,” “Ladies night,” “Men’s night,” and “All the well drinks you can drink for a certain price” are prohibited.
37. 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 Community Development, and these leases will be kept on file with the Planning and Neighborhood Services Division.
38. That the applicant shall comply with all the conditions of Use Variance Case No. PVAR1302080 as specified in the decision letter dated June 19, 2013.
39. That the applicant shall comply with all the conditions of Conditional Use Permit Case No. PCUP1302096 as specified in the decision letter dated June 19, 2013.

40. That the authorization granted herein shall be valid for a period of **ten (10) years until June 19, 2023**, at which time reapplication must be made.

VOTE

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

MOTION

(for Banquet Hall Conditional Use Permit Case No. PCUP 1302096)

Moved by Planning Commissioner Landregan, seconded by Planning Commissioner Scheetz, that upon review and consideration of all materials and exhibits of current record relative to Conditional Use Permit Case No. PCUP 1302096, located at 1018 East Colorado Street, and after having conducted a hearing on said matter, the Planning Commission hereby **APPROVES WITH CONDITIONS** said Conditional Use Permit Case No. PCUP 1302096, to allow a banquet hall in the "C3" Zone where a banquet hall use is allowed with a conditional use permit, located at 1018 East Colorado Street in the "R-2250" Zone and 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 set forth below.

REQUIRED/MANDATED FINDINGS

A. The proposed use will be consistent with the various elements and objectives of the General Plan.

The Land Use Element allows banquet halls in the "C3" Zone subject to approval of the conditional use permit process, which analyzes whether it would have a negative impact on the site and the surrounding community. The proposed use would be consistent with the Land Use Element by increasing the range and type of services and facilities provided to maintain attractive and compatible commercial uses in the area. Public record shows a banquet hall use has operated since 2010. The banquet hall use is an assembly use and provides the community a place to meet for private party events where access by the general public is restricted. Colorado Street is identified as a major arterial in the Circulation Element and its 80-foot right-of-way width meets the city standards for arterial roadway width. Adams Street is an urban collector street and its 60 foot right-of-way width meets the city standards. The Noise Element discusses land use conflicts related to noise and the Noise Ordinance is the enforcement tool.

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 chronology of the site indicates that many commercial land uses have operated at this location since 1924, including a banquet hall since 2010. The Police Department submitted comments that the number of businesses

selling alcohol and the number of Part 1 (felony) crimes in this census tract to not exceed the recommended number for the former and do not exceed the average number for the latter. Traffic Engineering said they received two requests to restrict parking on Elk Street because Palladio patrons and employees were parking in the residential area; however, no applications have been returned. A condition is required to provide 100 off-site parking spaces through lease agreement(s) as a parking option for patrons when the on-site parking lot is filled.

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

The General Plan addresses compatibility issues of commercial and residential land uses in order to foster a productive and thriving community. The introduction of a potential land use nuisance could have a negative impact on its neighbors. The conditional use permit process allows the city to analyze the use to ensure consistency with the General Plan. As part of this process, the City analyzed 17 environmental potential impacts in 2010 that the proposed assembly uses could potentially have on the neighborhood. The analysis determined that these uses would have either no impacts or less than significant impacts on the community. The current project does not propose any substantial changes; therefore, it is not anticipated there will be any new adverse impacts. Conditions of approval were added to ensure compliance with City codes, ordinances and regulations.

D. Adequate public and private facilities such as utilities, landscaping and parking spaces are or will be provided for the proposed use consistent with the City's General Plan and its codes and regulations.

Since 2010, the banquet hall has occupied the former movie theater building that has been in existence since 1924. The banquet hall use shares similar assembly-type land use characteristics to a nightclub use which has occupied the site since 1981. This site and the surrounding neighborhood are developed with adequate public and private facilities and infrastructure since the small corner shopping center with apartments was constructed in 1924. An on-site parking lot with 35 spaces is available for employees and patrons and 100 off-site parking spaces are provided near the project site through lease agreements. The 100 off-site parking spaces were a condition of approval in 2010 through lease agreements because technically the parking for the banquet hall use is in compliance with the legal non-conforming section of the zoning code; however, the actual impact of the 14,705 square-foot facility (6,109 square feet of viewing area with an occupancy load of 534 persons) could likely generate a parking demand greater than the 35-space valet parking lot (please see the attached lease agreements and parking lots).

CONDITIONS OF APPROVAL

APPROVAL of this Conditional Use Permit Case No. PCUP 1302096, to allow a banquet hall 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 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 and Neighborhood Services Division, 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 and Neighborhood Services Division, Police Department and Fire Department. Nightclub and banquet hall are 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 operation of the nightclub use shall be as follows:

Friday-Saturday: 11:00 AM to 1:00 AM (Nightclub Only)
Sunday-Thursday: 11:00 AM to 12:00 AM (Nightclub Only)

10. That the days and hours of operation of the banquet hall use 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 Director of Community Development to be inconsistent with this grant and allowed use shall require a new use variance application.

13. That as a minimum one security guard shall be provided for every 50 patrons, two guards for 51 to 100 patrons, and one 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. In the event that a pattern of security problems relating to and including but not limited to crimes, public intoxication, loitering, noise violations of Chapter 8.36 of the Glendale Municipal Code should occur

with the nightclub as reported by the Police Department, the applicant, Director of Community Development and the Police Chief shall meet to develop a plan for security operations to be implemented by the applicant.

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. That at all times when the premises are open for business, the sale, service and consumption of any alcoholic beverage shall be made only in areas designated with an ABC license.
16. That no patron shall bring or maintain any alcoholic beverage into the establishment unless that alcoholic beverage was purchased within that same establishment or unless the facility has an established corkage policy that it actively regulates.
17. That all smoking activities shall be 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 20 feet from the residential zone and clearly demarcated to indicate where smokers are allowed to the satisfaction of the Director of Community Development and the Police Department. No other outdoor smoking area is allowed.
18. That noise and music shall be contained to the building and confined to the occupancy so as not to disturb occupants of residences, businesses, patrons on the public right-of-way and other properties 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. Music shall be of a volume not to be audible from nearby residential property. The Director of Community Development opinion shall prevail to arbitrate any conflicts.
19. That all odors shall be confined to the occupancy so as not to disturb nearby residential properties, occupants of other businesses and properties and patrons on the public right-of-way.
20. 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 Director of Community Development.

21. That Police Department emergency personnel shall be provided with a minimum of three phone numbers of responsible parties in case of emergency.
22. That the applicant shall monitor the area under its control, in an effort to prevent the loitering of persons about the premises.
23. That 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.
24. That no speaker systems shall be installed in the parking area.
25. That patrons shall not be permitted to remain in the parking area after closure of the business or to loiter in the parking area while business is open.
26. 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.
27. 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.
28. 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.
29. 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 or any parking, driveway, or landscaping area.
30. That no outside storage shall be allowed on the site.
31. That all signs displayed shall conform to the requirements of the Glendale Municipal Code.

32. That there shall be no live entertainment, contests or similar dances or special events such as those listed below. 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.
 - Modeling contests or events
 - Swimwear contests or events
 - Wet T-shirt contests or events
 - Bikini contests or events
 - Lingerie contests or events or female/male modeling contests
 - All entertainers must be completely clothed and not wear just "string" or "thong" apparel.
33. That 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. 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.
35. That no booth or group seating shall be installed which completely prohibits observation of the occupants.
36. That "Happy hour," "Ladies night," "Men's night," and "All the well drinks you can drink for a certain price" are prohibited.
37. 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 Community Development, and these leases will be kept on file with the Planning and Neighborhood Services Division.
38. That the applicant shall comply with all the conditions of Use Case No. PVAR 1302080 as specified in the decision letter dated June 19, 2013.
39. That the applicant shall comply with all the conditions of Conditional Use Permit Case No. PCUP1302083 as specified in the decision letter dated June 19, 2013.

40. That the authorization granted herein shall be valid for a period of ten **(10)** **years until June 19, 2023,** at which time reapplication must be made.

VOTE

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

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.

REVOCAION

Section 30.64.020 of the Glendale Municipal Code, 1995, provides for the Director of Community Development Department to have continuing jurisdiction over any Use Variances and Conditional Use Permits, which is or have been granted and may revoke any Use Variances and and Conditional Use Permits, in whole or in part at any time for failure to comply with any condition or requirement imposed at the time of approval.

GMC Chapter 30.41 provides for

TERMINATION: Every right or privilege authorized by a Use Variances and Conditional Use Permits, 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 Use Variances and Conditional Use Permits, 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 (Christopher E. Baxter – 818-937-8162) 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.