

January 27, 2016

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

**RE: 417 1/2 NORTH BRAND BOULEVARD  
CASE NO. PCUP 1526438**

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 30.42, on your application for a Conditional Use Permit (CUP) to allow the continued operation of a nightclub 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**

Conditional Use Permit

- 1) To allow the continued operation of a night club

**CODE REQUIRES**

Conditional Use Permit

- 1) Approval of a Conditional Use Permit is required for nightclub 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. As such, the proposed nightclub is consistent with the intent of these plans.

**B. That the use and its associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment.**

The application is to re-establish a nightclub use previously approved by a Conditional Use Permit. The previous establishment was in operation since 1996, when the first Conditional Use Permit (CUP Case No. 9587-CU) was approved following the conversion of the movie theater to an entertainment venue. 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. The building fronts Brand Boulevard and its entrance can only be accessed from this street; there are no openings directed towards any adjacent commercial buildings and only the parking structure faces the rear of the establishment. Therefore, the nightclub 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. A nightclub 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. Also, operation of a nightclub would not result in any negative impacts on adjacent properties regarding noise or traffic beyond the norms expected in a downtown area.

**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 structure and valet service typically will be provided for event patrons. Continued operation of the nightclub is not expected to have any impact on the provision of adequate public and private facilities.

**E. The proposed nightclub is designed to ensure the reduction of noise impacts by using techniques such as double doors.**

The existing exterior walls are 10-inch thick, cast in place concrete with 1 ½ " minimum plaster interior and blanket insulation with 15 lb. paperback lath and finished with ½ " minimum plaster interior and exterior (as reported by the project architect for the 1996 conversion of the movie theater to the nightclub). Moreover, the theater has double doors exiting into the lobby and another set of double doors exiting to the outside.

**F. An area for outdoor smoking be designed and located in an area to not impact surrounding uses.**

The nightclub must abide by the Clean Air Ordinance and, if possible, designate an outdoor smoking area in compliance with the Glendale Municipal Code, Section 8.52 (Smoking) so as to not impact surrounding uses.

## **CONDITIONS OF APPROVAL**

**APPROVAL** of this Conditional 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 a Conditional Use Permit shall terminate two (2) years after the granting of such, unless the exercise of such right or privilege has commenced in good faith prior to such time, except as otherwise provided for.

#### **Extension**

An extension of the Conditional Use Permit may be requested one time and extended for up to a maximum of one (1) additional year upon receipt of a written request from the applicant and demonstration that a reasonable effort to act on such right and privilege has commenced within the two (2) years of the approval date. In granting such extension the applicable review authority shall make a written finding that neighborhood conditions have not substantially changed since the granting of the Conditional Use Permit.

#### **Cessation**

A Conditional Use Permit may be terminated by the review authority upon any interruption or cessation of the use permitted by the Conditional 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. Mirzaian); 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.