



CITY OF GLENDALE, CALIFORNIA

Community Development
Planning

633 E. Broadway, Suite 103
Glendale, CA 91206-4311
Tel. (818) 548-2140 Fax (818) 240-0392
glendaleca.gov

July 18, 2024

Applicant:

Rudy Lopez
5243 E Beverly Blvd.
Los Angeles, CA 9022

RE: 324 NORTH ORANGE STREET, Glendale 91203
ADMINISTRATIVE USE PERMIT CASE NO. PAUP-002826-2024
("The Nocturn Theater")

The Director of Community Development will render a final decision on or after August 14, 2024 for the following project:

Project proposal: Application for an Administrative Use Permit (AUP) to allow the new use of on-site sales, service and consumption of a full line of alcoholic beverages (Alcohol Beverage Control license Type 47) at a 9,645 square-foot (SF) theater in the "DSP/MO" – (Downtown Specific Plan/Mid Orange District), described as Lot 30, Glendalia Park Tract in the City of Glendale, County of Los Angeles.

STAFF RECOMMENDATION: APPROVE WITH CONDITIONS

DRAFT CONDITIONS OF APPROVAL:

1. That the development shall be in substantial accord with the plans submitted with the application except for any modifications as may be required to meet specific code standards or other conditions stipulated herein to the satisfaction of the Director of Community Development.
2. That all necessary licenses, approvals and permits as required from Federal, State, County or City authorities including the City Clerk shall be obtained and kept current at all times.
3. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.
4. That all signs displayed shall conform to the requirements of the Glendale Municipal Code.
5. That sufficient measures shall be enforced to effectively eliminate interior and exterior loitering, parking congestion, disturbing noise, disturbing light, loud conversation, and criminal activities.

6. 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.
7. That at all times when the premises are open for business, the service of any alcoholic beverage shall be made only in the areas designated with an Alcohol Beverage Control license. Consumption of alcoholic beverages will only be on those same licensed areas.
8. That the sales, service or consumption of alcoholic beverages shall be permitted only during performances.
9. That no patrons of the theater shall be allowed to bring into the establishment any alcoholic beverages that were purchased from outside of the establishment, unless the facility has an established corkage policy allowing and regulating such.
10. 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.
11. That there shall be no video machine(s) maintained on the premises.
12. That live entertainment is permitted with the exception that no karaoke, no bikini activities or events, no lingerie activities or events, no swimwear activities or events, nor any similar activities or events be allowed where partial clothing of male or female entertainment is provided. A Live Entertainment permit must be obtained in accordance with G.M.C 5.60.
13. That music or noise shall be contained within the edifice of the establishment. The business shall comply with all state and local laws and ordinances concerning excessive noise and disturbing the peace.
14. That the 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.
15. The sale of beer, wine, and/or distilled spirits for consumption off the premises is strictly prohibited.
16. That the theater adhere to the City's Fresh Air Ordinance (Title 8, Chapter 8.52 of the Glendale Municipal Code).
17. That a Business Registration Certificate be applied for and issued for a theater with the on-site sales, service and consumption of alcoholic beverages, subject to the findings and conditions outlined in this decision letter.

18. That authorization granted herein shall be valid for a period of ten (10) years until **August 14, 2034.**

PROJECT BACKGROUND

Previous Permits for the Site:

In 1965, a Certificate of Use and Occupancy was issued for the project site as a Theater.

In 2023, the most recent Business Registration Certificate (BRC-000977-2023) was issued for the current operator. Previous BRCs are also on record.

Related Concurrent Permit Application(s): None on file.

Environmental Determination:

The project is exempt from CEQA review as a Class 1 “Existing Facilities” exemption, pursuant to State CEQA Guidelines Section 15301(e), because the discretionary permit request is to allow for the on-site sales, service and consumption of alcohol at an existing theater and it involves negligible or no expansion of the existing use beyond its current conditions.

General Plan:

Downtown Specific Plan

Zone:

DSP/MO – Downtown Specific Plan, Mid Orange District

Description of Existing Property and Uses:

The subject site is a two-story, 9,645 square foot theater with a sunken stage and a seating surrounding the stage. The second story includes restrooms, a green room for performers, and three smaller-rooms for various theatrical productions. The proposed bars are located on the first and second level in lobby areas, outside of the actual performance areas.

Neighboring Zones and Uses

Direction	Zone	Existing Land Use
North	DSP/GAT	Commercial (restaurant)
South	DSP/MO	Commercial parking lot
East	DSP/AT	Alley & commercial uses
West	DSP/OC	Residential complex (Lex on Orange)
Project Site	DSP/MO	Theater

COMMENTS FROM OTHER CITY DEPARTMENTS:

No major concerns were received from the various City divisions/departments for the sales, service and on-site consumption of all types of alcoholic beverages. The Police Department commented that they have not received any calls regarding this location within the past year. Conditions received from the Police Department will ensure that any potential negative impact will be appropriately mitigated.

PROJECT ANALYSIS

The applicant is requesting approval of an Administrative Use Permit (AUP) to allow the on-site sales, service and consumption of a full line (all types) of alcoholic beverages (Alcohol Beverage Control license Type 47) at a theater (“Nocturn Theater”).

The site is located on the east side of North Orange Street, between West Lexington Drive and West California Avenue, in the Downtown Specific Plan – Mid Orange District (DSP/MO). The DSP/MO is intended to continue the promotion and location of arts-oriented uses, such as galleries and stage theaters. The applicant’s request is for an Administrative Use Permit, offering the ancillary services of all types of alcoholic beverages (beer, wine, and distilled spirits) for on-site sales, service, and consumption at the existing theater, “Nocturn Theater.”

The on-site sales, service and consumption of all-types of alcoholic beverages at the existing theater is consistent with the elements and objectives of the General Plan. The project site is surrounded by commercial and residential uses and the applicant’s request to allow the on-site sale, service, and consumption of all types of alcoholic beverages is not anticipated to create any negative traffic related impacts on these streets and the surrounding uses over and above the existing conditions.

The theater has been operating at this location since 1964 and has been operating as “Nocturn Theater” since 2024. The applicant’s request to allow the on-site sales, service and consumption of all types of alcoholic beverages to theater patrons is not anticipated to adversely conflict with surrounding properties as it will be ancillary to the primary use, a theater. The subject property is surrounded by other complementary businesses, including commercial uses with residential neighborhoods located in the vicinity.

There were no concerns or comments submitted by the Police Department or Neighborhoods Services Division that would indicate that the approval of a type 47 Alcoholic Beverage License for the existing theater would have a negative impact on the surrounding area, and the conditions included with this approval will serve to mitigate any potential negative impacts on the surrounding properties.

The applicant’s request to offer the ancillary service, sales and on-site consumption of all types of alcoholic beverages at an existing theater will not result in inadequate public

or private facilities. Further, the existing theater will not require any new city services, nor will it require any changes to the landscaping, parking or traffic circulation. The proposal does not involve the expansion of the existing space, and therefore no additional parking is required. And the applicant's request will not increase the need for public or private facilities.

Overall, the applicant's request to expand their operation to include the on-site sales, service and consumption of alcoholic beverages at a theater is supportable based on the facts surrounding this application.

DRAFT FINDINGS

A. That the existing use will be consistent with the various elements and objectives of the general plan.

The proposed use will be consistent with the elements and objectives of the General Plan. The General Plan Land Use Element designation for the subject property is Downtown Specific Plan. The site is located at the east side of North Orange Street, between West Lexington Drive and West California Avenue, in the Downtown Specific Plan – Mid Orange District. The DSP/MO is intended to continue the promotion and location of arts-oriented uses, such as galleries and stage theaters. A theater in this location is a desired use at the street level. Alcoholic beverage sales are an administratively permitted use within the Mid Orange zone, and therefore consistent with the land use designations. Currently, the existing theater does not serve alcoholic beverages. The applicant's request is for an Administrative Use Permit to begin the ancillary use to include all types of alcoholic beverages (beer, wine, and distilled spirits) for on-site sales, service, and consumption at the existing theater "Nocturne Theater."

The on-site sales, service and consumption of all-types of alcoholic beverages at the existing theater is consistent with the elements and objectives of the General Plan. The Downtown Specific Plan (DSP) identifies Orange Street as an Urban Collector and a Bikeway in the Downtown Specific Plan. Lexington Avenue is also identified as a Pedestrian Priority Street. Primary Pedestrian streets give first priority to creating excellent conditions for pedestrians and are usually important on primary retail and transit corridors characterized with wide sidewalks and fine streetscapes. The subject site and its use as a theater are appropriate for this location. The project site is surrounded by commercial and residential uses and the applicant's request to allow the on-site sale, service, and consumption of all types of alcoholic beverages is not anticipated to create any negative traffic related impacts on these streets and the surrounding uses over and above the existing conditions.

The Land Use Element is most directly related to the approval of this use. All other elements of the General Plan, including Open Space, Recreation, Housing, and Noise Elements, will not be impacted as a result of the applicant's request. The project site is fully developed and has not been slated for open space or recreation, or for new

housing. The proposal to allow for the on-site sales, service and consumption, offering a full line of alcoholic beverages for on-site consumption will be ancillary to the existing primary use, a theater, and as such, is not anticipated to increase the existing noise levels above and beyond the current conditions. This application does not include any new floor area or modifications to the existing building; therefore, there will be no increase in required parking for the use. Adequate utilities, landscaping, and traffic circulation measures are already provided.

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 proposed use and its associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment, as conditioned. According to the Glendale Police Department, Nocturn Theatre is located in census tract 3018.02 where five on-sale establishments are recommended. The Police Department reports there are currently 30 on-sale licenses in this tract, Nocturn Theatre would bring the total to 31. The ancillary sales, services and on-site consumption of alcoholic beverages in conjunction with a live theater is not uncommon and is not typically associated with public drunkenness or other alcohol-related crimes. Based on arrests and Part 1 crime statistics for census tract 3018.02 in 2023 there were 418 crimes, 32% above the city-wide average of 317. This higher-than-average crime rate is explicable given the higher densities and higher concentration of retail uses in the Downtown, compared to lower density residential areas, which typify much of the City. Within the last calendar year there were two calls for police service at the location: 07/03/23 – Audible alarm (No Department Record) and 02/27/24 – Assault w/a deadly weapon (No Department Record). Per the Alcoholic Beverages Control website, there is no “pending” or “active” liquor license for this location. The Police Department’s suggested conditions are included in this approval to mitigate and ensure that there are no negative impacts to the public health, safety, general welfare, or the environment.

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

It is not anticipated that the on-site sales, service and consumption of alcoholic beverages at the existing theater will be detrimental to the community or adversely conflict with the community’s normal development. A theater has been operating at this location since 1964, and “Nocturne Theater” has been operating at this location since 2024. The applicant’s request to allow the on-site sales, service and consumption of all types of alcoholic beverages to its patrons attending a live theater performance is not anticipated to adversely conflict with surrounding properties as it will be ancillary to the primary use, a theater. The subject property is surrounded by other complementary businesses, including commercial uses with residential neighborhoods located in the vicinity.

The subject site was developed in 1964 as a theater. The area is developed with a mix of high rise, high intensity regional office uses and restaurants, retail, and personal

services. The existing use and proposed ancillary service of alcoholic beverages is encouraged in this area. While there are no public facilities located within the immediate area (500' radius) of the subject site, there are two churches within walking distance (0.5 mile) to the site, including First Baptist Church of Glendale at located 209 North Louise Street (.5 miles), and Glendale City Seventh-Day Adventist Church at 610 East California Avenue (.5 miles). The nearest public school is Allan F. Daily High School located at 220 North Kenwood (.4 miles) and the nearest public park (Doran Gardens Mini Park) is located approximately 0.4 mile west of the subject site. No other public facilities are located within 0.5 miles of the project site. Also, there are residential uses across the street to the west, but do not adjoin the project site. The theater is located in a developed commercial street, Orange Street, which is home to a variety of commercial establishments including retail/services, restaurant, and offices. There are similar uses in the existing vicinity that have an alcohol beverage component that have proven to not be disruptive or determinantal to nearby residential and commercial uses. The residential uses located directly across the street to the west side of Orange Street have not and will not be impacted by the theater's request to offer ancillary service of alcoholic beverages. Given the orientation and distance of these facilities away from the subject site, it is not anticipated that the applicant's request to serve all types of alcoholic beverages at an existing theater will impede their existing operations. A condition is included, ensuring that alcoholic beverages will only be sold in conjunction with theatrical productions and prohibits the sale of alcohol for off-site consumption.

The proposed incidental sale, service, and on-site consumption of all types of alcoholic beverages at an existing theater, "Nocturne Theater", is not anticipated to cause any conflicts with surrounding development in the future and will not adversely impact existing facilities, property values, or developments within the surrounding area. The property is zoned for various types of commercial uses. The use falls under the theater use category, and a theater has operated at its present location for nearly 60 years. There were no concerns or comments submitted by the Police Department or Neighborhoods Services Division that would indicate that the approval of the type 47 Alcoholic Beverage License for the existing theater would have a negative impact on the surrounding area, and the conditions included with this approval will serve to mitigate any potential negative impacts on the surrounding properties.

D. That adequate public and private facilities such as utilities, landscaping, parking spaces and traffic circulation measures are or will be provided for the proposed use.

The applicant's request to allow the on-site sales, service, and consumption of all types of alcoholic beverages at an existing theater will not result in inadequate public or private facilities. Further, the existing theater will not require any new city services, nor will it require any changes to the landscaping, parking or traffic circulation. The proposal does not involve the expansion of the existing space, and therefore no additional parking is required. The applicant's request to offer on-site sales, service and consumption of alcoholic beverages at an existing theater will not increase the need for

public or private facilities. The theater has been operating at this location since 1964 and has been operating as “Nocturne Theater” since 2024. The site is in a fully developed commercial area with all required utilities such as gas, electricity, water, sewers, and landscaping, are already in place. Glendale Water and Power did not cite any concerns related to providing service to the project. The surrounding neighborhood is also developed with adequate public and private services and infrastructure. The Circulation Element identifies Orange Street as an Urban Collector and Bikeway. The street is fully developed and can adequately handle the existing traffic circulation around the site.

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

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:

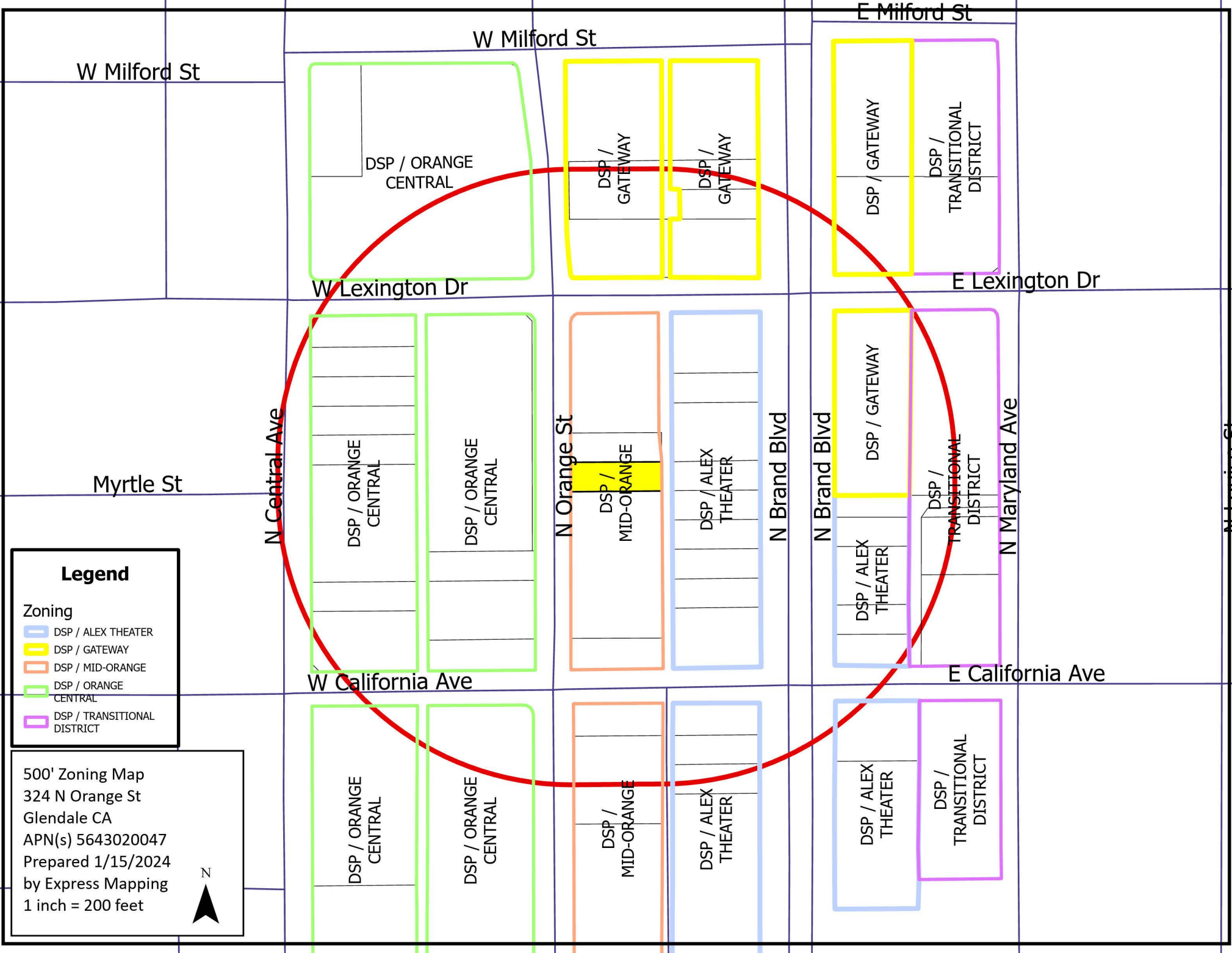
1. That where an existing or proposed on-site use is located in a census tract with more than the recommended maximum concentration of on-site uses or where an existing or proposed off-site use is located in a Census Tract with more than the recommended maximum concentration of off-site uses, both as recommended by the California Department of Alcoholic Beverage Control (ABC), such use does not or will not tend to intensify or otherwise contribute to the adverse impacts on the surrounding area caused by such over concentration as described in Finding B above.
2. That where the existing or proposed use is 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, such use does not or will not tend to encourage or intensify crime within the district because conditions of approval have been included in the approval of this application to ensure that any potential negative impacts will be appropriately mitigated, as described in Finding B above.
3. That the existing or proposed use does not or will not adversely impact any other uses within the surrounding area (church, public or private schools or college, day care facility, public park, library, hospital or residential use), as noted in Finding C above.
4. That adequate parking and loading facilities are or will be provided for the existing or proposed use or other reasonable alternatives satisfy the transportation and parking needs of the existing or proposed use as described in Finding D above.
5. That notwithstanding consideration in subsections 1 through 4 above, the operation of a theater with the sales, service and consumption of alcoholic beverages does serve a public convenience for the area because it would provide alcoholic beverages in conjunction with live performance at the theater for local residents,

businesses, and the surrounding community. Conditions placed on the approval of the project will ensure that it will not adversely impact nearby businesses and residential uses.

For more information or to submit comments, please contact the case planner, Chloe Cuffel, CCuffel@glendaleca.gov or (818) 937-8162.

ATTACHMENTS:

1. Location Map
2. Plans
3. Photos



W Milford St

W Milford St

E Milford St

DSP / ORANGE
CENTRAL

DSP /
GATEWAY

DSP /
GATEWAY

DSP / GATEWAY

DSP /
TRANSITIONAL
DISTRICT

W Lexington Dr

E Lexington Dr

Myrtle St

N Central Ave

DSP / ORANGE
CENTRAL

DSP / ORANGE
CENTRAL

N Orange St

DSP /
MID-ORANGE

DSP / ALEX
THEATER

N Brand Blvd

N Brand Blvd

DSP / GATEWAY

DSP /
TRANSITIONAL
DISTRICT

N Maryland Ave

N Louise St

Legend

- Zoning
- DSP / ALEX THEATER
 - DSP / GATEWAY
 - DSP / MID-ORANGE
 - DSP / ORANGE CENTRAL
 - DSP / TRANSITIONAL DISTRICT

W California Ave

E California Ave

500' Zoning Map
324 N Orange St
Glendale CA
APN(s) 5643020047
Prepared 1/15/2024
by Express Mapping
1 inch = 200 feet



DSP / ORANGE
CENTRAL

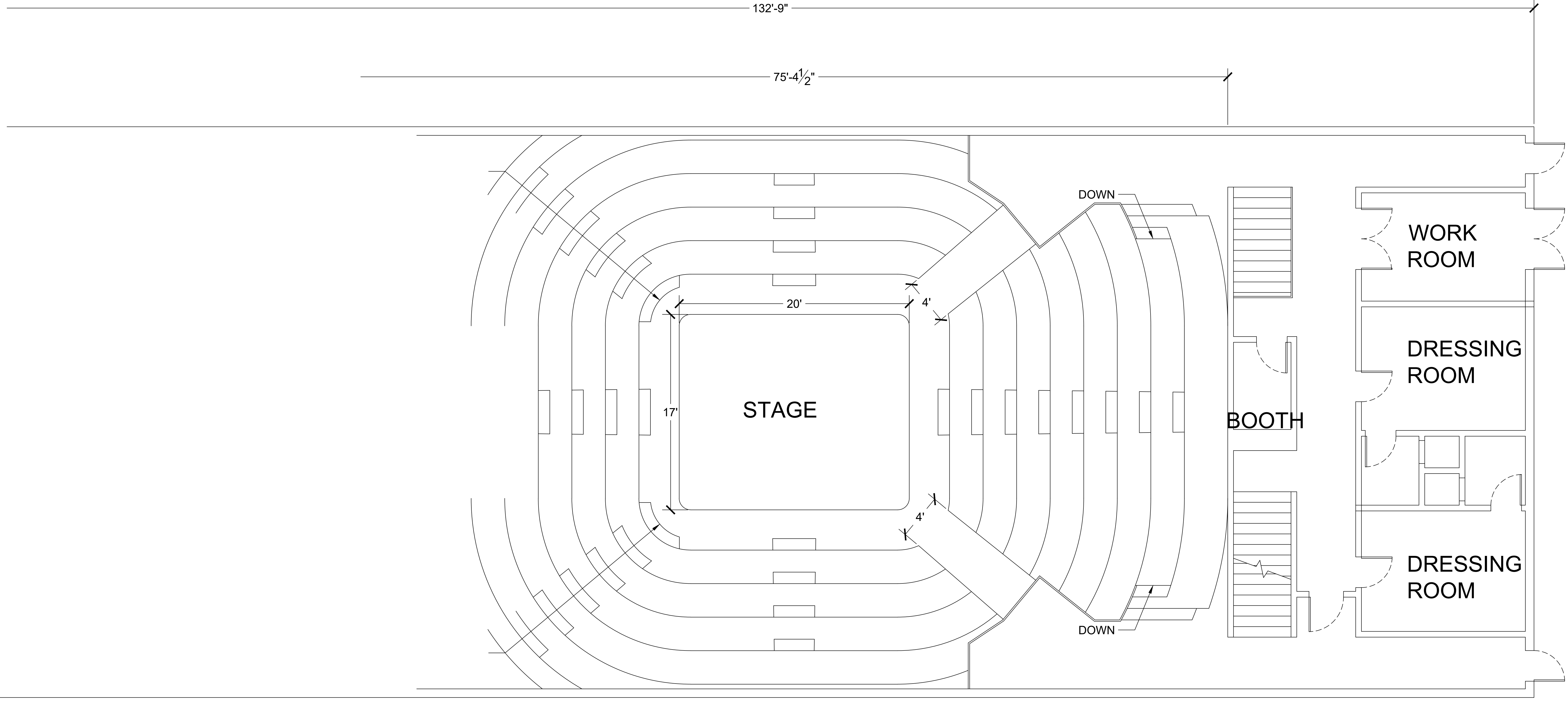
DSP / ORANGE
CENTRAL

DSP /
MID-ORANGE

DSP / ALEX
THEATER

DSP / ALEX
THEATER

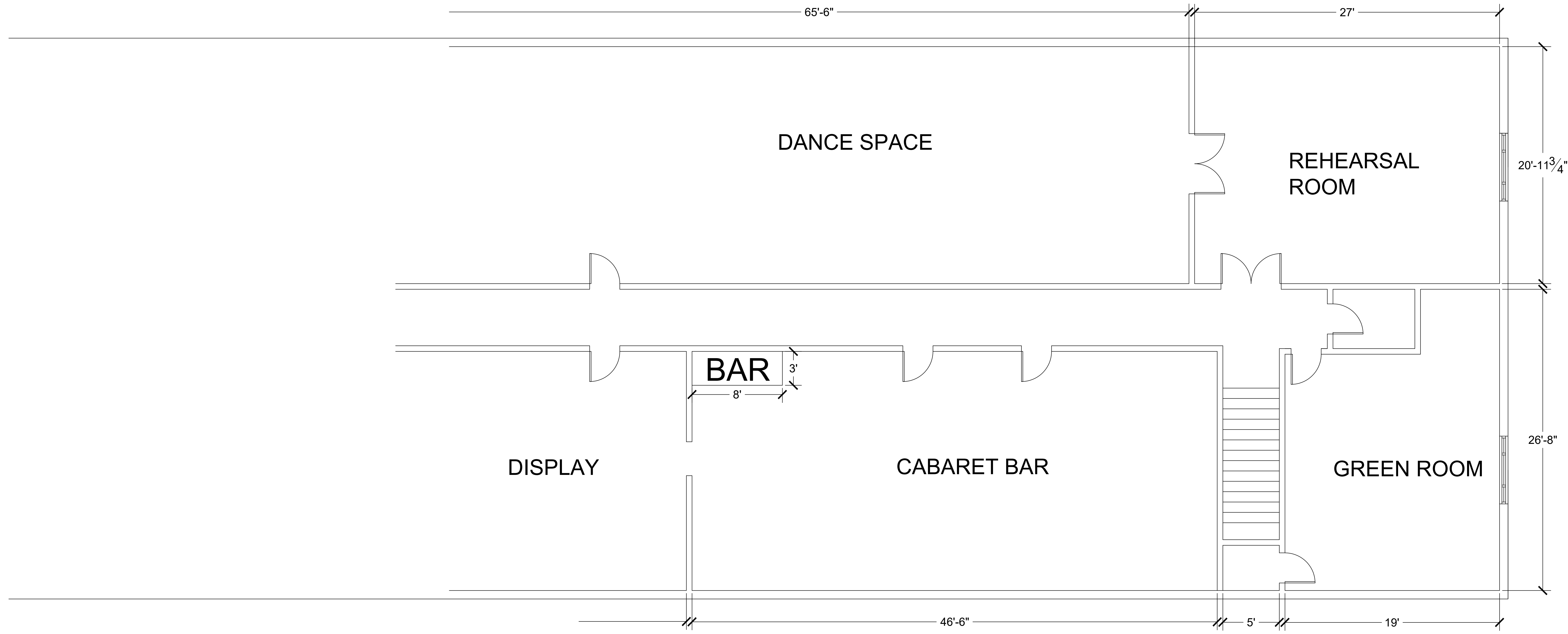
DSP /
TRANSITIONAL
DISTRICT



Drawing: FIRST FLOOR PLAN
 Date: 10/1/2023
 Drafted by: JM ROBERTS
 Scale: 1/4"=10"

Built: 1964
 Company: Meyer 2 Meyer
 City of Glendale
 Liquor License

NOCTURN THEATRE
 324 S. ORANGE ST
 GLENDALE, CA 91203

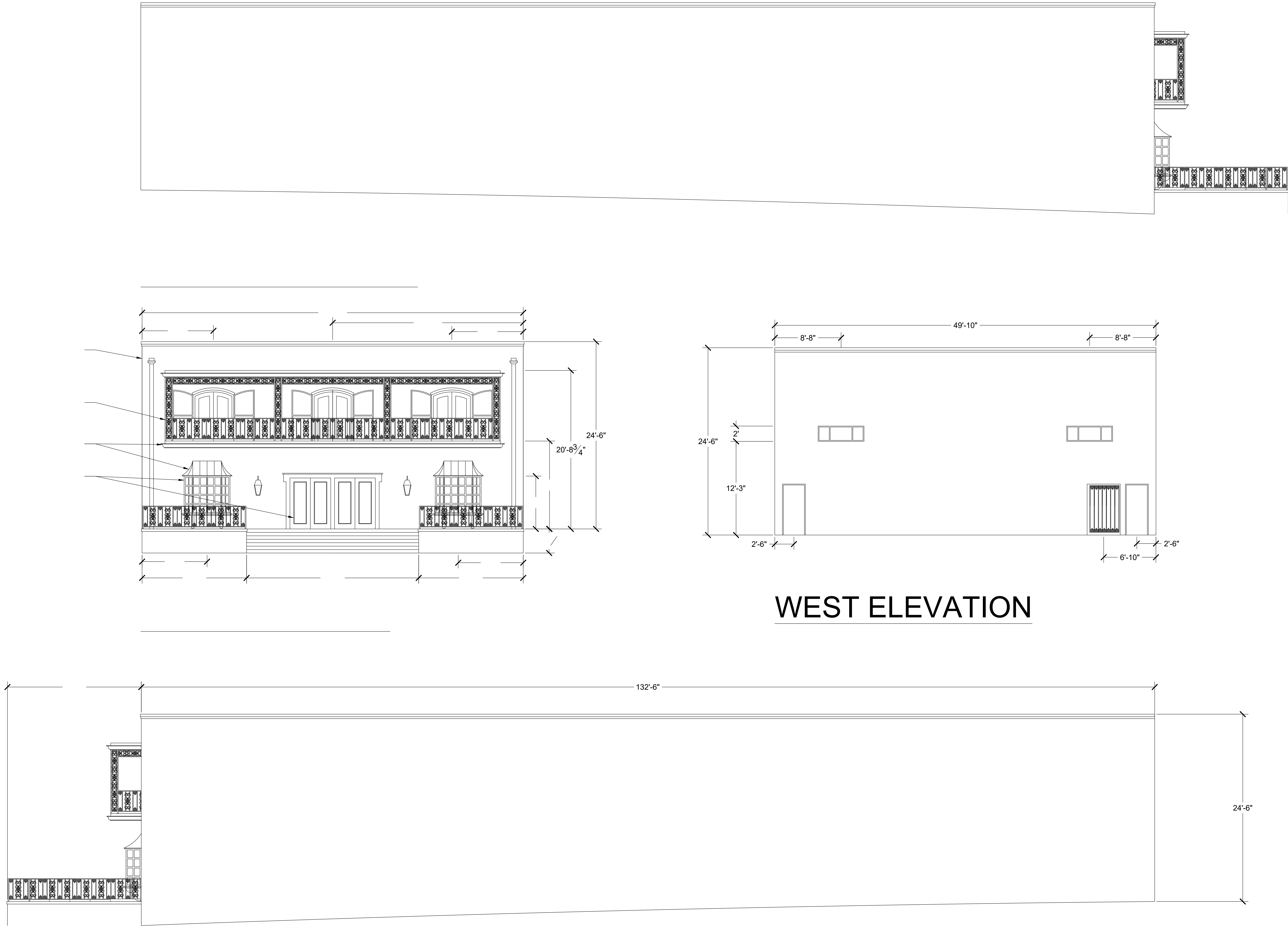


NOCTURN THEATRE

324 S. ORANGE ST
GLENDALE, CA 91203

Built: 1964
Company: Meyer 2 Meyer
City of Glendale
Liquor License

Drawing: 2ND FLOOR PLAN
Date: 10/1/2023
Drafted by: JM ROBERTS
Scale: 1/4"=1'0"



WEST ELEVATION

Meyer2Meyer Entertainment LLC

324 N Orange Street

Photo Key

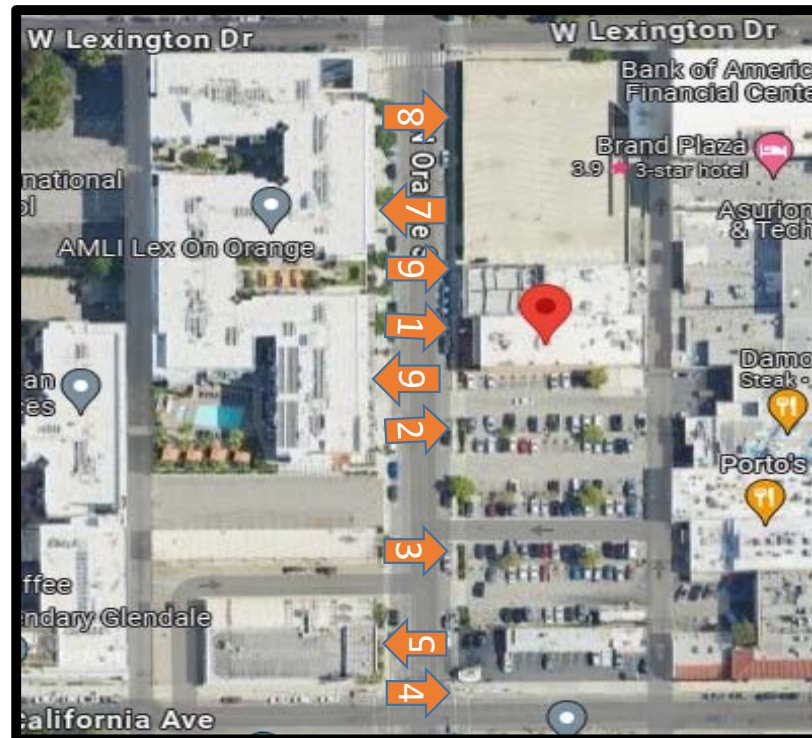


Photo 1 - Premise Location



Photo 2



Photo 3



Photo 4



Photo 5



Photo 6



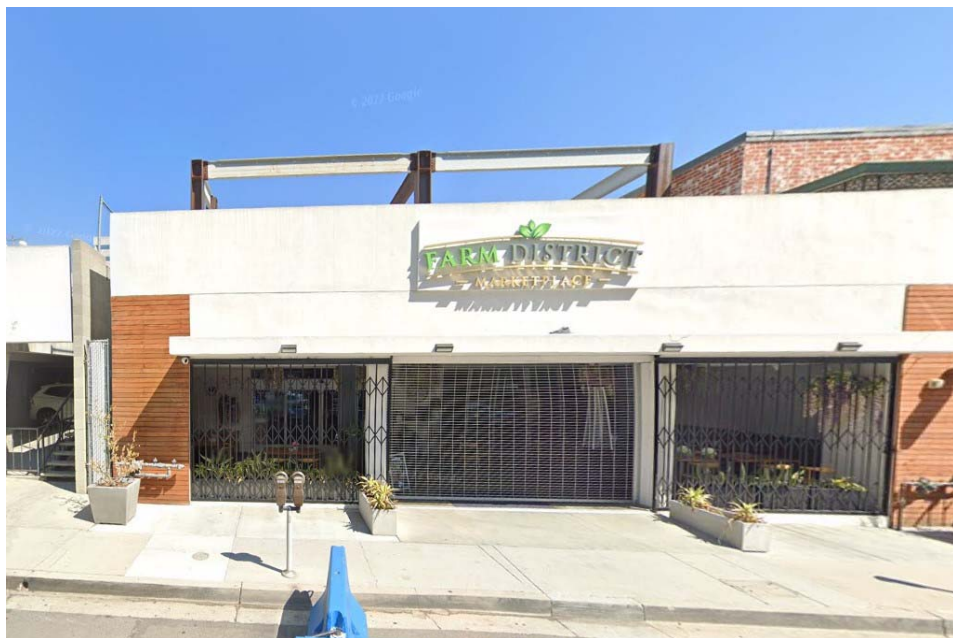
Photo 7



Photo 8



Photo 9



Vicinity Map

