



CITY OF GLENDALE, CALIFORNIA  
COMMUNITY DEVELOPMENT DEPARTMENT  
Planning Division

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July 19, 2012

Michael Guerrero & John Giovanazzi  
(G2 Strategic Capital LLC)  
806 East Colorado Street  
Glendale, CA 91205

**RE: 806 EAST COLORADO STREET  
CONDITIONAL USE PERMIT CASE NO. PCUP 1206549  
(Complex)**

Dear Messrs. Guerrero and Giovanazzi

The Planning Commission of the City of Glendale, at its meeting held on July 18, 2012, conducted a public hearing on Conditional Use Permit NO. PCUP 1206549, the Planning Commission **APPROVED WITH CONDITIONS**, a request to reverse the denial of a Conditional Use Permit to allow the on-site sale, service and consumption of alcoholic beverages at a tavern in the "C-3-I" Commercial Service Zone – Height District I, described as Portion of Lot 23, Tract No. 1164, in the City of Glendale, County of Los Angeles.

APPLICANT'S PROPOSAL

- (1) To allow the on-site service, sale and consumption of alcoholic beverages at an existing tavern.

CODE REQUIRES

- (1) Approval of a conditional use permit is required for the on-site service, sale and consumption of alcoholic beverages within a commercial zone.

ENVIRONMENTAL REVIEW: This project is categorically exempt.

A motion adopted by the Planning Commission is attached.

**APPEAL PERIOD (effective date), TIME LIMIT, LAPSE OF PRIVILEGES,  
TIME EXTENSION**

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 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 **AUGUST 2, 2012**, in the Building and Safety Division, 633 East Broadway, Room 101.

**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.

### **REVOCATION**

**Section 30.64.020 of the Glendale Municipal Code, 1995, provides for the Director of Community Development to have continuing jurisdiction over any Conditional Use Permit which is or has been granted and may revoke any Conditional Use Permit 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 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.

### **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 and/or Hearing Officer 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.

Should you have any questions regarding this issue, please do not hesitate to contact the undersigned.

Sincerely,



Jeff Hamilton  
Senior Planner

JH:sm

CC: City Clerk; City Attorney's Dept. (C.Sansone/G.van Muyden); Fire Prevention Engineering Section-(D.Nickles); Community Planning Dept.– (P.Lanzafame/H.Malis); City Engineer; Dir. of Public Works Dept.; Water Section (R.Takidin); Electric Section (M.Kelley/M.Jackson); Dir. of Parks, Recreation and Community Services Dept.(M.Stirdivant); Neighborhood Services Admin. (J.Brownell); Integrated Waste Management Admin. (D.Hartwell); Maintenance Services Section Admin. (D.Hardgrove); Street and Field Services Admin.; Environmental Management (M.Oillataguerra);Traffic & Transportation Admin. (T.Mitchell); Information Services Admin.; Elizabeth Sanchez; and case planner – Jeff Hamilton.

### MOTION

Moved by Commissioner Yesayan, seconded by Commissioner Astorian, that upon review and consideration of all materials and exhibits of current record relative to Conditional Use Permit Case No. PCUP-1206549, located at 806 East Colorado Street, and after having conducted an appeal hearing on said matter, that the Planning Commission hereby **Overturms** the Planning Hearing Officer's decision and **APPROVES** said Conditional Use Permit Case No. PCUP-1206549, to allow the on-site sale, service and consumption of alcoholic beverages at an existing tavern, located at 806 East Colorado Street, in the "C3 I"- Commercial Services Zone, Height District I, described as Portion of Lot 23, Tract No. 1164; in the City of Glendale, County of Los Angeles, in accord with the findings and conditions listed below.

### **REQUIRED/MANDATED FINDINGS**

Pursuant to Section 30.42 of the Glendale Municipal Code, a Conditional Use Permit may be granted by the reviewing authority only if the following findings of fact can be made:

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

The tavern has operated since 1997. It offered live entertainment and had no onsite parking, the same circumstances as the proposed operation. There is no expansion in floor area proposed. Taverns are a permitted use in the C3, Commercial Services, Zone, with the approval of a Conditional Use Permit. It is in an appropriate area on Colorado Street where the General Plan anticipates a wide variety of businesses serving the area. The continued operation of this tavern will not impede development of the surrounding properties.

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

The continued service of alcoholic beverages at the tavern is not anticipated to change the parking demand to any significant degree. The tavern has not proven to be detrimental to the general welfare of surrounding properties. According to the Glendale Police Department, the project is located in census tract 3022.02 where there are 10 establishments, including the subject tavern, that offer the sales and consumption of alcoholic beverages. The formula from the State of California Department of Alcoholic Beverage Control (ABC) suggests that the census tract should have 6 establishments. The Glendale Police Department also reports that census tract 3022.02 has a "Part 1"

crime index that matches the city-wide median of 78. Staff believes that these crime statistics and over-concentration of alcohol permits are due to the tavern's location on one of the city's major boulevards rather than to any problems specific to the operation of this tavern. The Police Department did not recommend denial of the application and did not indicate any major concerns about the operation of the tavern.

The existing site contains zero parking spaces. The continued service of alcoholic beverages at the tavern is not anticipated to change the parking demand to any significant degree. The Police Department, Traffic Division and Neighborhood Services Division did not report concerns regarding parking overflow into residential neighborhood.

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

The sale of alcoholic beverages is a permitted land use subject to an approved conditional use permit. As mentioned in B above, although the site is in a census tract where more alcohol sales establishments exist than are recommended by State guidelines, no problems have been noted about the operation of this tavern and no significant objections have been raised by the Police Department.

The existing site contains zero parking spaces. The continued service of alcoholic beverages at the tavern is not anticipated to change the parking demand to any significant degree. The Police Department, Traffic Division and Neighborhood Services Division did not report concerns regarding overflow into residential neighborhood.

Approval of the requested conditional use permit for the on-site sales and consumption of alcoholic beverages will not impede the normal development of surrounding property as the area is entirely built-out. Any future redevelopment will be individually evaluated for compliance with all city regulations.

Conditions of approval will also ensure that the proposed operation will not adversely impact nearby uses.

**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 site is fully served by existing utilities. There is no landscaping requirement for commercially-zoned properties other than in unused

portions of the lot and in the parking area. The project does not include any physical changes to the structures on the lot, resulting in no nexus for requiring additional landscaping to be added to the site. The proposal is for the continued sale of alcoholic beverages at a tavern that has been operating since 1997. Since there is no real change in use, it is unlikely that there will be any change in parking demand. The Police Department, Traffic Division and Neighborhood Services Division did not report concerns regarding overflow into residential neighborhood.

**E. That all the criteria set forth in Section 30.42.030 (F) to be considered in making the findings in subsection A. through D. above have all been met and thoroughly considered:**

- 1) That such use does not or will not tend to intensify or otherwise contribute to the adverse impacts on the surrounding area caused by over concentration.
- 2) That such use does not or will not tend to encourage or intensify crime within the district.
- 3) That such 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).
- 4) That the proposed use satisfies its transportation or parking needs.
- 5) That the proposed use does or will serve a public necessity or public convenience purpose for the area as evidenced by the continued operation of this establishment as a tavern.

**APPROVAL** of this Conditional Use Permit application 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) All necessary permits shall be obtained from the Building and Safety Division and all construction shall be in compliance with the Glendale Building Code and all other applicable regulations.

- 3) 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) The premises shall be maintained in a clean and orderly condition, free of weeds, trash and graffiti.
- 5) The facility shall not be rented, leased or otherwise occupied for purposes not specified in this application.
- 6) Any expansion or modification of the facility or use shall require a new conditional use permit. Expansion shall constitute adding of floor area, increased hours of operation, or any physical changes including, but not limited to removal or relocation of fixed seating as determined by the Planning Hearing Officer, with the concurrence of the Director of Community Development.
- 7) All music, lighting, noise and odors shall be confined to the occupancy so as not to disturb occupants of other businesses or properties and patrons on the public right-of-way.
- 8) No exterior signs advertising the sales/service of alcoholic beverages shall be permitted.
- 9) The service of alcoholic beverages shall be in full accordance with the regulations and conditions established by the State Department of Alcoholic Beverage Control.
- 10) The premises shall remain open to the public during business hours as a tavern. The premises may be used in part for private parties or other events as permitted in the Glendale Municipal Code.
- 11) All signs displayed shall conform to the requirements of the Glendale Municipal Code. All existing illegal signs shall be promptly removed.
- 12) **The authorization granted herein shall be valid for a period of two years, UNTIL AUGUST 3, 2014.**
- 13) A new Zoning Use Certificate shall be obtained to reflect new C.U.P. conditions and expiration date.
- 14) 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 ABC license. Consumption of alcoholic beverages will only be on those same licensed areas.

- 15) The premises may not be utilized for banquets, private parties, or other events.
- 16) There shall be no video or arcade type machine maintained upon the premises without appropriate permits.
- 17) The dance floor shall not increase in size over 200 square-feet.
- 18) No bikini activities or events, no lingerie activities or events, no swimwear activities or events, nor any similar activities or events will be allowed where partial clothing of male or female entertainment is provided.
- 19) 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.
- 20) Smoking shall be permitted only in areas which comply with Chapter 8.52 of the Glendale Municipal Code. The Applicant shall not permit any public nuisance at the premise or adjacent areas outside the premises. The applicant and management staff and employees are strictly responsible for security on site and for preventing criminal activity including but not limited to disturbances, alcohol laws, assaults, public drunkenness, noise, and drunk driving by patrons leaving the premise.
- 21) The premises shall be made available to any authorized City personnel (Building, Fire, Police, Neighborhood Services, Planning, etc.), for inspection to ascertain that all conditions of approval of this conditional use permit are complied with.
- 22) The applicant shall provide for on-site security for all live music events.
- 23) The driveway shall be paved from the street to the garage prior to issuance of a Zoning Use Certificate (ZUC).
- 24) The applicant shall provide bike parking racks on-site for adequate bike parking.
- 25) Existing garage shall be used for parking and not storage. An inspection shall be made confirming the function of the garage prior to issuance of a Zoning Use Certificate (ZUC).

26) The applicant shall seek a valet parking permit from the City's Traffic and Transportation Division before the end of the first year of operation. The applicant shall provide documentation of the effort made to the Director of Community Development.

27) Hours of operation will be:

Mondays through Fridays = 5 p.m. to 2 a.m.  
Saturdays and Sundays = 12 p.m. to 2 a.m.

VOTE

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