glendale california

City of Glendale
Community Development
Planning & Neighborhood Services

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June 16, 2015

Garo Nazarian
c/o Domus Design
109 East Harvard Street, Suite 306
Glendale, CA 91205

RE: 810-822 EAST COLORADO STREET
ADMINISTRATIVE USE PERMIT NO. PAUP 1504397
(Sayat Nova)

ALSO SEE: (1) ADMINISTRATIVE EXCEPTION PERMIT NO. PAE 1424777
(2) CONDITIONAL USE PERMIT NO. PCUP 1418750

Dear Mr. Nazarian:

On May 20, 2015, the Planning Hearing Officer conducted and closed a public hearing, pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.49, and has processed your application for an Administrative Use Permit to allow the on-site consumption of alcoholic beverages at a banquet hall exclusively during private banquet events. The site is located at **810-822 East Colorado Street**, in the "C3"- Commercial Service Zone, Height District I, described as a Portion of Lots 14 and Lot 24, Tract No. 1164 and Childs Tract, in the City of Glendale, County of Los Angeles.

APPLICANT'S PROPOSAL
Administrative Use Permit
1) To allow the on-site consumption of alcoholic beverages at a banquet hall use exclusively during private banquet events.

CODE REQUIRES
Administrative Use Permit
1) The sales, service and on-site consumption of alcoholic beverages requires an Administrative Use Permit in the "C3" zone.

ENVIRONMENTAL RECOMMENDATION
Exempt per State CEQA Guidelines, Section 15301, Class 1 "Existing Facilities" and Section 15303, Class 3 "New Construction".

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

The subject site is zoned "C3" - (Commercial Service) and within the Regional Commercial designation of the Land Use Element of the General Plan. The Circulation Element designates Colorado Street as a Major Arterial street. Colorado Street is a fully improved thoroughfare serving a multitude of businesses. Sayat Nova is located on a developed lot with other existing commercial buildings. In addition, a new retail commercial development is proposed on-site. A banquet hall use is a conditionally permitted use in this zone. The on-site sales, service and/or consumption of alcoholic beverages requires an approved administrative use permit. Sayat Nova will not offer the sale of alcoholic beverages. The request is exclusively for the on-site consumption of alcoholic beverages as an ancillary service during private banquet events.

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.

In March 1998, a Certificate of Use and Occupancy was issued to operate a restaurant at 822 East Colorado Street with the business name Sayat Nova Restaurant. Subsequent Use and Occupancy and Zoning Use Certificates were issued for the same use at this location. The business owner is proposing to continue the operation of the banquet hall use and expand its floor, seating and serving areas. As proposed, the project will add 795 square feet of floor area at the rear of the existing 822 East Colorado Street building by connecting the rear, 1,705 square-foot building (820 East Colorado Street) to the front building (822 East Colorado Street). With the proposed changes, an additional 663 square feet of banquet seating area is proposed. The Glendale Police Department has reviewed the request for consumption of alcoholic beverages on-site and has recommended appropriate conditions to further safeguard the health, safety, and general welfare of the public. Within the last calendar year, there were five calls for service to this location. No complaints have been filed by the public concerning this operation.

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

Sayat Nova is located within a commercial district. The banquet hall's request to consume alcoholic beverages on-site during private banquet events will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property. Banquets are held at this facility due to their legal non-conforming right since they were conducting banquets prior to 2002. Upon expansion, the use will be required to comply with current zoning regulations. Thus, a Conditional Use Permit (CUP) is required upon expansion of the existing non-confirming banquet hall use and an Administrative Use Permit (AUP) for consumption of alcoholic beverages. While this business at 822 East Colorado Street has been classified as a restaurant, due to its non-conforming status, it has and will continue to operate as a banquet hall. However, upon expansion of the use, the land use designation of the existing establishments at 820-822 East Colorado Street will officially be classified as a banquet hall. The focus of the operation will continue to be a banquet hall. Given the nature of the business, and its history, the request to consume alcoholic beverages on-site exclusively during banquet events has not and is not expected to be problematic in the future.

There are public park facilities, churches and private schools and day care facilities near the restaurant/banquet hall. The closest public facility to the proposed project is Elk Mini Park located 0.1 miles southeast of the subject site, Central Park (Adult Recreation Center and Central Library), 0.5 miles west of the subject site and Maple Park Community Center located 0.6 miles south of the subject site. In addition, a Church, a private school and a day care (First Lutheran Church/school/day care) are located 0.4 miles to the east and Holy Family Church and associated private schools are located approximately 0.5 miles southwest of the subject site. While there are existing residential uses abutting the property to the south, the request to consume alcoholic beverages as part of banquet events has not and is not expected to negatively impact these residential uses or the neighborhood in general. Currently, the restaurant/banquet hall operates as a banquet hall as its primary use. The business operator requesting this Administrative Use Permit (AUP) has indicated that they will not sell alcoholic beverages. The request is for on-site consumption of alcoholic beverages provided by the renter/patron hosting the private banquet event. The main entrance to the banquet hall is accessed from Colorado Street, which does not face residential 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 request to consume alcoholic beverages on-site exclusively during private banquet events, has not and will not result in inadequate public or private facilities. Alcoholic beverages will not be sold at this location. The project site is already developed and associated facilities are in place. Glendale Water and Power did not cite any concerns related to providing service to the project. The change of use from a full-service restaurant to a banquet hall, expansion and construction of a new retail building on-site will result in a two-space parking shortfall. A two-space parking shortfall is not expected to exacerbate the existing parking conditions. The applicant submitted an administrative exception for a 20 percent deviation of a numeric standard applied to the required 41 parking space resulting in a two-space parking shortfall for the project. Based on the nature of the business and its hours of operation, the two-space parking deficiency will not adversely impact the existing and surrounding uses. There are on-street parking spaces available along Colorado Street, though these spaces are not considered as required on-site parking. Notwithstanding, the AUP request to allow the consumption of alcoholic beverages for on-site consumption during banquet events will not result in inadequate parking.

Furthermore, this request requires that additional findings of fact be made, as follows:

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) That such use will not tend to intensify or otherwise contribute to the adverse impacts on the surrounding area caused by over concentration. The Glendale Police Department noted no concerns with this proposal.

2) That such use will not tend to encourage or intensify crime within the district. No evidence has been presented which would indicate that the on-site consumption of alcoholic beverages exclusively during private banquet events at this location has or would encourage or intensify crime within the district.

3) That such use 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). The closest public facility to the proposed project is Elk Mini Park located 0.1 miles southeast of the subject site, Central Park (Adult Recreation Center and Central Library), 0.5 miles west of the subject site and Maple Park Community Center located 0.6 miles south of the subject site. In addition, a church, a private school and a day care (First Lutheran Church/school/day care) are located 0.4 miles to the east and Holy family Church and associate private schools are located approximately 0.5 miles southwest of the subject site. While there are residential uses abutting the site along the southerly property line, the continued operation of the expanded banquet hall would not have a significant impact in the area. The main entrance to the banquet hall is accessed from Colorado Street, which does not face residential uses.

   While these facilities and residential uses existing on-site and nearby, the on-site consumption of alcoholic beverages exclusively during private banquet events has not proven to impact those uses. Additionally, the conditions will ensure the function of this banquet hall and the on-site consumption of alcoholic beverages in compliance with all municipal codes and state law. The on-site consumption of alcoholic beverages exclusively during private banquet events is not anticipated to adversely impact other neighboring uses in this area.

4) That the use satisfies its transportation or parking needs as described above because adequate access, parking and delivery spaces are available to serve this use.

5) That the use will serve a public necessity or public convenience purpose for the area. Conditions of approval of the project will ensure that it will not adversely impact nearby businesses and residential uses.

CONDITIONS OF APPROVAL

APPROVAL of this Administrative Use Permit shall be subject to the following:

1. That the development shall be in substantial accord with the plans submitted with the application <u>except</u> 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 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 on-site consumption of alcoholic beverages shall exclusively take place during banquet events.

4. That no individual unit sales of alcoholic beverages shall be allowed from the site.

5. That the on- and off-site sales of alcoholic beverages shall be prohibited.

6. That the on-site consumption of alcoholic beverages shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control.

7. 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 in those areas where street lights do not effectively illuminate the premises. No lighting shall be installed or maintained that shines or reflects onto adjacent properties.

8. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.

9. That all signs displayed shall conform to the requirements of the Glendale Municipal Code.

10. That adequate means shall be provided for the collection of solid waste generated at the site and that all recyclable items shall be collected and properly disposed of to the satisfaction of the Integrated Waste Management Administrator of the City of Glendale. No trash containers shall be stored in any parking, driveway, or landscaping area.

11. That access to the premises shall be made available to all City of Glendale Planning and Neighborhood Services Division, Police Department, and Fire Department staff upon request for the purpose of verifying compliance with all laws and conditions of this approval.

12. That no exterior signs advertising the consumption of alcoholic beverages shall be permitted.

13. That any expansion or modification of the facility or use which intensifies this administrative use permit shall require a new administrative use permit application. Expansion shall constitute adding floor area, changes to the use or operation, or any physical change as determined by the Director of Community Development.

14. That consumption of alcoholic beverages will only be in the banquet hall seating areas. 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.

15. That the applicant shall comply with all conditions of approval of Conditional Use Permit Case No. PCUP 1418750.

16. That the applicant shall comply with all conditions of approval of Administrative Exception Permit Case No. PAE 1424777.

17. That a new Business Registration Certificate be obtained for the operation of a banquet hall at 820-822 East Colorado Street.

18. That the premises may be utilized for banquets, private parties, or other events, provided that all events comply with the provisions of the applicant's Alcoholic Beverage Control License.

19. That the banquet use operator shall document in the contract with the Cater or Renter, strict serving guidelines that would mirror those outlined by the Alcohol Beverage Control (ABC) if the business is not in possession of an ABC license.

20. That when alcoholic beverages are being provided by a sponsor of the event, staff must be aware of signs and symptoms of an obviously intoxicated person and take appropriate action to prevent an incident.

21. That the sale of beer, wine and distilled spirits is strictly prohibited.

22. 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.

23. That dancing is only allowed on the premises in designated dance floor areas.

24. That there shall be no video machine maintained upon the premises.

25. 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.

26. That all 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. The Director of Community Development shall arbitrate any conflicts.

27. All activities shall take place in the interior of the building and no amplification of music or voice is allowed outside.

28. 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. Panic bar hardware with automatic alarm shall be provided.

29. 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.

30. That no booth or group seating shall be installed, which completely prohibits observation of the occupants.

31. 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.

32. That a minimum of two (2) security guards and one (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. Security personnel as well as the banquet manager shall ensure that visitors of the facility do not loiter outside the building or in the parking lot.

33. That parking areas shall be kept adequately illuminated for security purposes during all hours of darkness.

34. The management staff shall comply with the City of Glendale Clean Air Act, smoking ordinance.

35. That patrons shall not be permitted to remain in the parking areas after closure or to loiter in the parking areas while the business is open.

36. That authorization granted herein shall be valid for a period of **ten (10) years or JUNE 16, 2025,** until 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 Planning Commission if it is believed that the decision is in error or that procedural errors have occurred, or if there is substantial new evidence which could not have been reasonably presented. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms within fifteen (15) days following the actual date of the decision. Information regarding appeals and appeal forms will be provided by the Permit Services Center (PSC) or the Community Development Department (CDD) upon request and must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **July 1, 2015,** at the Permit Services Center (PSC), 633 East Broadway, Room 101, Monday thru Friday 7:00 am to 12:00 pm, or at the Community Development Department (CDD), 633 East Broadway, Room 103, Monday thru Friday 12:00 pm to 5 pm.

APPEAL FORMS available on-line: http://www.glendaleca.gov/appeal

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, CONTINUING JURISDICTION

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over Variances, Administrative Use Permits, Administrative Exceptions, and Conditional Use Permits (individual cases heard and decided upon by the Planning Hearing Officer).

To consider the revocation, the Planning Hearing Officer shall hold a public hearing after giving notice by the same procedure as for consideration of a conditional use permit at least ten (10) days notice by mail to the applicant or permittee. Continuing jurisdiction over any case is the purview of the Planning Hearing Officer, with concurrence by the Director of Community Development.

GMC CHAPTER 30.41 PROVIDES FOR

Termination
Every right or privilege authorized by an Administrative Use Permit shall terminate two (2) years after the granting of such, unless the exercise of such right or privilege has commenced in good faith prior to such time, except as otherwise provided for.

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

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 who acted on this

case. This would include clarification and 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,

Roger Kiesel
Planning Hearing Officer

RK: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-(D.Nickles); Dir. of Public Works (R. Golanian); Traffic & Transportation Section (W.Ko/S.Vartanian); General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (R.Takidin/G.Tom/S.Boghosian); Glendale Water & Power--Electric Section (V.Avedian/B.Ortiz/E.Olsen); Dir. Parks, Recreation and Community Services Dept. (J.Duran); 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); Avetis Keshishian-owner; and case planner-Milca Toledo.